United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, MAY 17, 2004 No. 69

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 17, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

VOTE FOR H.R. 3722, UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

Mr. ROHRABACHER. Mr. Speaker, today the American people should pay close attention to the debate when the House takes up H.R. 3722. If one is concerned about the flood of illegal immigrants pouring into our country, this is the debate to watch. And H.R. 3722 is the vote on which to judge your Member of Congress.

There has obviously been a conscious decision made by certain powerful people that massive immigration into the United States, legal or illegal, is good for America or at least good for certain friendly interest groups. This vote on H.R. 3722 is clear-cut. The American people can determine who is on their side and who will channel our scarce health care dollars to illegal immigrants, thus encouraging even more illegal immigration into our country.

H.R. 3722, which will come for debate here later today and will be voted on tomorrow, is designed to undo the harm done by an amendment that was slipped into the Medicare bill that was passed just a few months ago. That surprise and somewhat covert amendment established a $1 billion fund to reimburse American hospitals for the emergency care they provide illegal immigrants.

The perverse, unintended consequences of this are easy to predict. Americans and legal residents who lack health insurance will be sent to the back of the line when seeking help for a medical emergency because the hospitals will naturally give primary service to those illegal immigrants whose tab is being picked up by the Federal taxpayers. This is a travesty.

Anyone voting against H.R. 3722 is voting to put our kids, voting to put our seniors, at the end of a long waiting line moving the illegal immigrant to the front of the line. At this time when we cannot afford the money to pay for prescription drugs for our seniors, we are going to be spending $1 billion to treat people who have come here illegally.

Those against H.R. 3722 are voting to spend our limited health care money to make America the HMO of the world. And then they act surprised when even more tens of millions of illegals flood into our country.

Watch the vote on H.R. 3722. Listen to the arguments. The other side will claim that the legislation causes hospitals more paperwork. That is a bogus argument. However, the public will decide when they are listening to the debate whether they are hearing legitimate arguments or whether it is simply noise being generated to confuse people so they will not know who is ripping off their health care dollars and giving it to strangers.

The flood of illegal immigration has already had horrible impacts on our society, on working Americans and middle-class Americans in particular. Wages are being kept down. Our educational and criminal justice systems are deteriorating. And, yes, our health care system is failing.

A government's first responsibility is protecting our citizens and, yes, our legal residents, not to provide benefits and services to anyone in the rest of the world who can get here. Our responsibility is to the people of the United States and the legal residents here of the United States. Our responsibility is not to the rest of the world and to provide any benefits that we can't provide to our American people, to provide them to anyone in the world who can get here. That will break our bank. If we are going to try to do everything for everybody, we are not going to be able to do anything for anybody, even our own people.

H.R. 3722 is the litmus test. There is always a good sounding excuse for voting against any bill that tries to come up and tries to come to grips with the out-of-control flood of illegals coming into our country. But the issue is clear in H.R. 3722: Are America's limited health care dollars going to treat illegal immigrants rather than being used to treat our own people?

Members of Congress need to hear from their constituents. H.R. 3722 is a first good step in stemming the tide of illegal immigrants into our country. It will be debated here in just a few hours. America should pay attention.

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UNDER REPUBLICAN LEADERSHIP CONGRESS IS A QUICKSAND OF IDEOLOGY AND INTRANSIGENCE

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

Mr. HOYER. Mr. Speaker, in February, the former majority leader in this House, Dick Armey, stated the obvious: ''I am sitting here and I am upset about the deficit, and I am upset about spending,'' said the former Republican leader. And he added, ''There is no way I can pin that on the Democrats. Republicans own the town now.''

Yes, they do, Mr. Speaker, the House, the Senate, and the White House. Yet, under Republican leadership this Congress has become a quicksand of ideology and intransigence that is swallowing up America's priorities and performing a disservice to the American people.

The annual budget is a blueprint of our Nation's priorities and values. But with a Memorial Day recess approaching and the April 15 budget deadline long passed, House Republicans have tied the process in knots.

They refuse to pay for tax cuts even as they have run up the largest budget deficit and deficits as far as the eye can see in American history.

Republicans' intraparty bickering continues to get in the way of other priorities. In addition to the budget, two job creation bills, a tax measure for domestic manufacturing called the FSC/ETI bill, and a major transportation bill have been stymied, held up, not moving since last year. The transportation bill could create millions of jobs in a tough job market, and the FSC bill would end harmful European Union sanctions against struggling American manufacturers. Both of these bills could have been passed, should have been passed last year with broad support in both Houses of Congress. But with House Republicans it is my way or the highway.

Our friends on the other side of the aisle have even rejected progress on an issue that has broad bipartisan support, tax cuts for the middle-class and working families. They have done so not once, not twice, but three times in 3 weeks. And they are poised to do so for a fourth time this week.

By refusing to offset the cost of their tax bills, Republicans are not only endangering support for tax cuts which Members on both sides want to see become law, but also putting themselves on record in favor of placing an enormous debt tax on future generation of American children.

House Republican leaders may be content with inertia in the people's House. Democrats are not.

Last week the Washington Post shined a light on the Republican strategy of biding their time until the election. The Post story observed that, and I quote, ''Despite the burgeoning scandal over U.S. treatment of Iraqi prisoners and persistent concerns about the economy and the deficit, the House has been keeping banking hours.'' Frankly, the bank would be bankrupt if it kept our hours.

In contrast to Republican leaders of the other body, House Republican leaders have refused to fully investigate the abuse of Iraqi prisoners. This is just the latest example of an abdication of this body's constitutional responsibility to oversee the executive branch.

Even a prominent Republican from the other body has said, and I quote, ''We Republicans have never quite reached the level of competent oversight that the Democrats developed over their 40 years that they controlled Congress.''

He continued, major Republican leader, ''We tried to emphasize legislating and we have delegated so much authority to the executive branch of government and we ought to devote more time to oversight than we do.''

This House must not abdicate its constitutional responsibility as an independent, coequal branch of government. Failure in this regard is not an option.

Failure is not an option in Iraq. And Democrats will support the funding necessary to support our troops and finish the job. But we want to see where that money is spent, how it is spent, and how effectively it is being used. But there is absolutely no question that Democrats as well as Republicans should want to hold this administration accountable for how it is spending tens of billions of taxpayer dollars in so many different areas.

As a senior member of the Committee on Appropriations, Mr. Speaker, I will continue my efforts to attach accountability to the billions of dollars being spent on the war in Iraq. There are no checks and no balances in Washington today. Right now we need to focus on the oversight responsibility that our Founding Fathers expected, particularly the people's House, to exercise.

I hope, Mr. Speaker, that notwithstanding the performance of the first 5 months, we will soon see such responsibility exercised.

SECRETARY RUMSFELD MUST GO

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

Mr. MCDERMOTT. Mr. Speaker, what the administration said and did not say removes any doubt: Secretary Rumsfeld must go.

A Los Angeles Times story dated May 12, which I will enter into the RECORD, may prove to be the defining moment when the administration could no longer hide behind the PR spin because their own words were spinning out of control.

Not only did this administration fail to tell Congress about the prisoner abuse in Iraq, it also failed to tell the United States Supreme Court at a time and a place when it should have. On the very day that CBS News first broadcast pictures of prisoner abuse, the administration stood before the United States Supreme Court. The case involved the rights of prisoners at Guantanamo Bay.

The administration claims that prisoners held in Cuba are enemy combatants who can be held indefinitely without charges and without the protection of the Geneva Convention. The Deputy Solicitor General representing the United States invoked the ''Trust us'' defense in urging the Nation's highest court to side with the President.

The lawyer did not know about the abuses in Iraq and the photos, but his client, Rumsfeld's Department of War knew, and said nothing. The Supreme Court, like the rest of America, like the entire world, was kept in the dark.

On the very day that the prisoner abuse pictures were first shown, a lawyer for the administration stood before the Supreme Court and said only the executive branch should have the power to decide the fate of detainees.

In response to that line of reasoning, Justice Ruth Bader Ginsburg asked, ''Suppose the executive says mild torture will help get a little information?'' The question was asked with no knowledge that torture had been used in Iraq. What answer did the administration's lawyer give Justice Ginsburg? The Deputy Solicitor General told the court that abuses would be a crime.

The Supreme Court justice asked the attorney to elaborate on his remarks. The administration attorney said, quote, ''Our executive does not commit such abuses.'' The administration's attorney added, and again I quote, ''You have to recognize that in situations where there is a war, where the government is on war footing, then you have to trust the executive.''

''Trust us.'' Well, Mr. Speaker, America did and look what happened. At last count 1,600 pictures of prisoner abuse have scarred the Nation and shocked the world. Instead of full disclosure, the administration remains in full denial. The President says the Secretary is doing a superb job. Superb job of what? Destroying our credibility overseas? Demoralizing the American people? Denying that soldiers follow orders?

The administration says, ''Trust us,'' then blames a handful of low-ranking soldiers instead of looking up the chain of command, right up to the very top.

''Trust us.'' Well, Mr. Speaker, America did, and the administration sent soldiers off to war without adequate body armor.

''Trust us.'' Well, Mr. Speaker, America did, and the administration unilaterally told thousands of soldiers they were staying in Iraq instead of coming home as they were promised.

''Trust us.'' Mr. President, we did and look what happened.

We are fresh out of trust, Mr. Speaker, in America, and around the world. It is time for Rumsfeld to go before we try and hand off sovereignty to the Iraqis. They will never be able to deal with our Secretary of war because nobody trusts him.

Mr. Speaker, at this point I will insert into the RECORD the newspaper article I referred to earlier.

[From the Los Angeles Times, May 12, 2004]

ABUSE FLAP MAY RUIN BUSH TEAM'S ''TRUST US'' ARGUMENT ON DETAINEES

WASHINGTON.—The photos of abused Iraqi prisoners not only have shaken the Bush administration but also may have ruined its Supreme Court defense of its handling of terrorism suspects, some legal experts say.

''Their argument has been 'trust us,' and that argument has been deeply undermined,'' said Yale University professor Harold Koh, an international law specialist who served in the Clinton administration.

Before the court last month, the administration argued that the president and his military commanders have exclusive power to decide the fate of those captured in the war on terrorism.

The court has yet to rule.

Shortly after U.S. troops invaded Afghanistan, the administration declared that people captured there and shipped to Guantanomo Bay, Cuba, were not entitled to the protections of the Geneva Conventions: They were not prisoners of war but rather ''unlawful enemy combatants,'' falling outside both international law and U.S. law.

International legal specialists criticized this decision to create ''a law-free zone.'' The Supreme Court surprised the Bush administration by taking up the issue.

During arguments April 28, administration lawyers told the court that, in wartime, the federal courts have no power to hear claims from the imprisoned men. Only the executive branch should decide their fate.

''Suppose the executive says mild torture will help get information?'' asked Justice Ruth Bader Ginsburg.

Committing such ''an atrocity'' against a prisoner would be a crime punishable by court-martial, replied Deputy Solicitor General Paul Clement.

When pressed further, he added, ''our executive doesn't'' commit such abuses. ''You have to recognize that in situations where there is a war . . . you have to trust the executive.''

That same evening, CBS aired the first photos of soldiers mistreating Iraqi prisoners. Two days later, the Supreme Court justices began working on their opinions in the case.

''In a close and difficult case like this, this could tip the scales,'' said Michael J. Glennon, an international law specialist at Tufts University. ''The overriding issue in these cases has been to what extent can you trust the executive to police itself.''

A former Bush administration lawyer who advised the White House on wartime issues said the Iraqi prison scandal should have no effect on the court's decision.

''It is a false analogy. These are two separate and different kinds of detainees,'' said John C. Yoo, a law professor.

SECRETARY OF DEFENSE DONALD RUMSFELD SHOULD RESIGN

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

Mr. PALLONE. Mr. Speaker, over the weekend my hometown newspaper, the Asbury Park Press, ran an editorial calling on Secretary of Defense Donald Rumsfeld to resign. It was a stunning criticism from a newspaper that is not known to be partisan. And I would like to take this opportunity to simply read the editorial.

''The United States needs to send this message to the world. We remain a civilized Nation. We respect international law. We respect the dignity of all individuals. We will at all times abide by the Geneva Convention governing the humane conduct of prisoner of war and apply that standard to all detainees.

''We hold ourselves to the highest moral standards and will not tolerate those who do not. And we will hold our leaders accountable when our conduct falls short. That message should be accompanied by the resignation of Defense Secretary Donald Rumsfeld. If he is not asked to resign by President Bush, he should do the honorable thing and step down on his own.

''The case against Rumsfeld, who has overseen the conduct of the war in Iraq, transcends the prisoner abuses at Abu Ghraib, but the scandal is an important element of it. The photos and accounts of the treatment of Iraqi detainees at the hands of American soldiers have shocked and disgusted Americans and the world. They have brought the realities of war whose daily horrors have largely been kept from public view into the national consciousness. They have shown that we are not immune from committing evil acts.

''Over the past 2 years the International Red Cross, Human Rights Watch, and Amnesty International have all raised concerns about patterns of mistreatment of detainees by U.S. interrogators in Afghanistan, Iraq, and Guantanamo Bay. Rumsfeld's explanations for how the abuses were allowed to occur and how they escaped his attention for so long have not been convincing. Punishing only those directly responsible for the inhumane actions is not enough, not given the gravity of the offenses and the damage they have done to our Nation's reputation and our ability to win the war of ideas in the Arab world.

''There are many other reasons why it should be in America's best interest for Rumsfeld to step aside. As Defense Secretary he has mismanaged the war in Iraq every step of the way. He helped sell the idea that Saddam Hussein was working in concert with al Qaeda and posed a clear nuclear and biological threat to the United States. He ignored the advice of many of our long-standing allies and top Pentagon officials to continue what had been a successful strategy of isolating Saddam while continuing our search for weapons of mass destruction.

''Rumsfeld failed to anticipate the hostile reception we received following the 'liberation.' He miscalculated the troop strength needed to stabilize the country. He left Baghdad and other major cities unprotected from looters and thugs. He left museums, hospitals, government ministries and facilities essential to a functioning civil society unguarded. He failed to provide the necessary support and manpower and material for our military. And he allowed our military prisons to operate with inadequate staffing, training, and oversight.

''After the fall of Baghdad, instead of trying to internationalize the occupation and the rebuilding effort, Rumsfeld and other administration leaders chose to go it alone, putting virtually all the costs associated with the occupation, financial and human, on American soldiers.

''To date more than 770 American soldiers have died in Iraq. Another 4,100 have been wounded. We have committed more than $160 billion to the invasion, occupation, and reconstruction of Iraq. Estimates suggest the cost could easily reach $600 billion even if the June 30 deadline for handing over political control to the Iraqis is met—a dubious proposition.

''Our leaders in Washington need to send a clear message to the world that we have not abandoned our ideals. Rumsfeld's resignation would help underscore the point. More important, our leaders need to reinforce that message with the American people who are growing increasingly fearful that we have lost our way.''

That is the end of the editorial, Mr. Speaker. I just want to say that I totally associate myself with the Asbury Park Press editorial. I think they are absolutely right. I do not think anybody has ever said it so well.

Mr. Speaker, I recently called on Secretary Rumsfeld to resign and I would urge my colleagues to do the same. Next, I would urge the President to take immediate steps to internationalize this conflict and build a strong coalition of partners in Iraq. The President should convene an immediate international summit on Iraq. The United States must go in with a plan that provides for new international arrangements to manage the political security and economic aspects of Iraq's transitions, and includes reorienting American policy to reflect those new international arrangements. We cannot simply continue to go it alone. We must internationalize this conflict. And I think that has also been a major part of what the Asbury Park Press says in this editorial.

THE WORK HABITS OF THE PRESIDENT

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

Mr. FRANK of Massachusetts. Mr. Speaker, before I begin on my text I

want to just correct the minority whip, the Democratic whip. He is a man with whom I have a great deal of agreement. But I think he was wrong when he said the rigid ideology of the people in power today leads them to the view, my way or the highway.

I wish that were the case. Mr. Speaker, as you well know from your own committee position, the right wing ideology are on the point of saying, my way instead of the highway. Because so rigid are they in their right-wing ideology that we cannot even get a highway bill passed this year, as we certainly should, in the interest of the transportation needs of this country and the economy.

But I want to talk beyond that about the work habits of the President. It is clear that in addition to an excessively rigid ideology we have an administration which is not very competent in a lot of things. I do not think we have seen a more incompetently executed national security policy of a major sort than Iraq in our history.

And I wonder why we get such poor execution, even given that I disagree with some of the things they are trying to execute. Now it does become clear one of the problems may be the President's work habits.

On December 16 in an interview on ABC News with Diane Sawyer, the President boasted about how he does not need to read the newspapers or, presumably, watch television. He gets his information, he says, from members of his administration. When Diane Sawyer said, ''Is it just hard to read constant criticism? He interjected, ''Why even put up with it when you get the facts elsewhere? I am a lucky man,'' the President said. ''I have got, it is not just Condi and Andy, it is all kinds of people in my administration who are charged with different responsibilities. And they come in and say this is what is happening, this is not what is happening.''

Well, Mr. President, you are being ill served by this refusal to get independent sources of information. You got a lot of people who confuse what is happening with what is not happening and sometimes they do not tell you anything.

Most recently we have the Secretary of Defense who forgot to tell you that we had a major debilitating problem coming up with regard to the mistreatment of prisoners. And he did not tell you that.

Last year, in what I think you consider to be, Mr. President, the single most important domestic accomplishment in the administration, did someone forget to tell you that the bill you were telling us was going to cost $400 billion over 10 years was, in fact, going to cost $540 billion and that all of the additional billion would go to the providers and none of it to the recipients? Did someone forget to tell the President or did the President forget to tell us?

Then, of course, we have the comment by CIA Director George Tenet who told the President apparently that it was a slam-dunk that there were weapons of mass destruction in Iraq. Well, once again, we have a case on a very important issue of the President and, to quote his words, all kinds of people in my administration were charged with different responsibilities and they would come in and say this is what is happening and this is not what is happening.

There is a serious problem, Mr. President. The time has come for the President of the United States to admit an error in this case, I know he does not like to do that, to admit that relying on Secretary Rumsfeld or CIA Director Tenet or Secretary Thompson or a whole range of other people to give him the information to brag about how he eschews independent, factual sources is a great mistake and may explain some of the serious mistakes this administration has made.

Old sayings sometimes can be overdone. Sometimes they have some truth. There is a saying that ignorance is bliss. Well, Mr. Speaker, there may be context in which ignorance is bliss, but the Presidency of the United States is not one of them.

The time has come for the President to acknowledge the fact that his method of getting information only from people within his own administration, who may have their own motives for misrepresenting or not giving him information that might be embarrassing to them, that that has broken down, and the time has come for the President to dip into the budget that he gets and buy a subscription to some newspapers and watch the TV news.

Mr. Speaker, I will insert into the RECORD at this point the excerpt from the interview with Diane Sawyer.

DIANE SAWYER. First of all, I just want to ask about reading. Mr. President, you know that there was a great deal of reporting about the fact that you said, first of all, that you let Condoleezza Rice and Andrew Card give you a flavor of what's in the news.

PRESIDENT BUSH. Yes.

DIANE SAWYER. That you don't read the stories yourself.

PRESIDENT BUSH. Yes. I get my news from people who don't editorialize. They give me the actual news, and it makes it easier to digest, on a daily basis, the facts.

DIANE SAWYER. Is it just harder to read constant criticism or to read——

PRESIDENT BUSH. Why even put up with it when you can get the facts elsewhere? I'm a lucky man. I've got, it's not just Condi and Andy, it's all kinds of people in my administration who are charged with different responsibilities, and they come in and say this is what's happening, this isn't what's happening.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should bear in mind that remarks in debate should be addressed to the Chair and not to others as in the second person.

THE HOUSE SHOULD NOT PASS H.R. 3722, UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, we heard earlier from the gentleman from California (Mr. ROHRABACHER) his sentiments regarding H.R. 3722. This item is on suspension and will be coming up before us. It is known as the Undocumented Alien Emergency Medical Assistance Amendments. That title is somewhat misleading because, in fact, what it requires is that our local hospitals turn into what I see as law enforcement agencies and INS agents, INS Immigration Service agents that would soon be asking people who may look or appear as though they are undocumented to provide some proof or verification that they are, in fact, full citizens of the United States.

We do not do that in our schools. Why do we have to do that in our hospitals, especially when people are already fearful of coming forward to, say, a local hospital and having to fill out forms and then being told that, well, you do not qualify because you are not a U.S. citizen or you are undocumented therefore we are going to call the INS or Homeland Security and deport you?

What kind of fear does that place in a community?

Well, I can tell you in a community like mine in Los Angeles, California, where the make-up of my district is largely Hispanic or Latino, that is not to say that they are all undocumented and that is not to say that they do not work and pay taxes; in fact, on the average I would say that the local immigrants in our communities pay about $1,300 in taxes. They do not get that money back in some cases because they may not be documented. We know that. That has been happening here in the U.S.

But they pay into our tax base system whether it is to go down and buy a gallon of gas at $2.40 or $2.50 a gallon now in Los Angeles, if they go down and buy goods at the market or Home Depot, they are paying sales tax. All that then goes into our piggy bank, so to speak, for the government. That money then is set aside for public health care institutions and private health care institutions.

I would like to tell you that in my district alone I received letters from some of our private for-profit hospitals that were adamantly opposed to this piece of legislation because they see it again as something that is going to provide another layer of bureaucracy. It will make them become INS agents. They will have to fingerprint, photograph, take digital photos and keep files for 5 years on anyone that they believe may be undocumented.

And I have to tell you that the kind of feeling that I get when I hear about

this type of legislation is one that reminds me of what occurred in California back a few years ago. There was an initiative that was proposed by the governor then, Pete Wilson, Proposition 187, that would bar undocumented families and people, children, from going to school and also receiving health care assistance.

And what that means to many of us in our communities is if a child comes into a classroom and, say, may have an illness or disease, they are not going to be able to get treated. They are not going to be able to go down to the hospital and get immunized and they will not get the kind of treatment that right now they are able to get.

If they do not, what will happen is whatever contagious disease they might have is going to somehow not discriminate against the next student who sits next to him, whether you are a citizen or not, but, in fact, that disease will be spread.

Why is it that we want to move in a direction that would create more fear and anxiety in our communities when I think we have the current tools in place right now that were actually passed by this House that would provide sufficient services for people who need it?

And I just want to clarify one thing. There are many undocumented people in this country, they are not all Hispanic. Many come from Europe, many come from Canada, many come from Asian, Indonesian countries as well. And maybe we do not somehow feel that their presence is well known, but we know that they are there. They clean our houses, they sometimes even clean the hospitals that we go to, they pick our lettuce and our fruits that we eat on the table, they also serve as janitors in our office buildings. And some of them may even work here in Washington, D.C.

But they are people, and people have to be respected. And those people, like anyone else, come to this country believing that they have a dream that can be fulfilled here.

I do not think it is too much to ask for us to say that this law is a bad law, that it would, in fact, demoralize an entire community. I do not believe that the Bush administration is supportive of this piece of legislation because why would he at the beginning of the year say that he would want to open up discussions about immigration reform and allow for people who are currently here who are not documented be given work permits. Why would he open up that discussion and yet the same members of his party are saying no, cast those people out. They cost too much money, and they are, in fact, a burden on our public and private hospitals.

Well, I am here to tell you that there are 43 million people in the U.S. that we can account for that have no health insurance. The problems that we have with health care delivery and service does not have to be blamed on one group of people. And I am here to tell you that we need to oppose this piece of legislation, H.R. 3722, as it comes up today for a vote before the House.

RECESS

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

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

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

Lord God, Teacher of the ages and Eternal Guide to the leaders of nations, be ever present in the work of the House of Representatives this week. During this season of academic graduations across this country, we wish to express our gratitude to You for the academic freedom and educational resources that have been fostered by government, churches and local communities in the past. We pray that they continue to flourish and be supported to meet the needs of future generations and the demands of the times, especially in the fields of mathematics and the sciences.

Bless all the graduates of 2004. Grant them an atmosphere of security and peace so they may pursue careers that give you Glory. Provide them with opportunities for work and experiences which will draw upon their creativity and deepest commitments. Ground them in lasting values so they may stand the tests of life and one day graduate to Your eternal domain and give You glory forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS 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 an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

HOUSE-PASSED MEDICAL LIABILITY REFORM EXPECTED TO STALL IN OTHER BODY

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

Mr. BURGESS. Mr. Speaker, last week in this House, we passed yet another version of the medical liability reform act in this Congress. We passed similar legislation in March 2003. That bill that we passed last year and likely the bill that we pass this year is going to stop dead on the other side of the Capitol and will not be enacted.

It is a shame, Mr. Speaker. Right now we have a President in the White House who has said he will sign this bill into law if it is given to him. We have a candidate running for the office of President who has either voted ''no'' or been absent when that vote has come up across the rotunda on the other side of the Capitol.

Mr. Speaker, this is important. I met with a group of doctors back in my district this weekend. There is no greater peril to our profession of medicine than the current medical justice system. The reforms that we have passed in this House closely mirror the Medical Injury Compensation Reform Act of 1975 passed in the State of California that has brought some semblance of sanity back to the medical justice system in that State. Residents of the other States, physicians in the other States, and their patients deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

BEND PINE NURSERY LAND CONVEYANCE ACT AMENDMENT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3505

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

SECTION 1. MODIFICATION OF BEND PINE NURSERY LAND CONVEYANCE.

(a) DESIGNATION OF RECIPIENTS AND CONSIDERATION.—Section 3 of the Bend Pine Nursery Land Conveyance Act (Public Law 106–526; 114 Stat. 2512) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(2) in subsection (e)—

(A) by striking ''this section'' both places it appears and inserting ''subsection (a)'';

(B) in paragraph (1), by striking ''Subject to paragraph (3), the'' and inserting ''The''; and

(C) by striking paragraph (3); and

(3) by adding at the end the following new subsections:

''(g) CONVEYANCE OF BEND PINE NURSERY.—

''(1) CONVEYANCE TO PARK AND RECREATION DISTRICT.—Upon receipt of consideration in the amount of $3,505,676 from the Bend Metro Park and Recreation District in Deschutes County, Oregon, the Secretary shall convey to the Bend Metro Park and Recreation District all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 185 acres and containing the Bend Pine Nursery, as depicted on the site plan map entitled 'Bend Pine Nursery Administrative Site, May 13, 2004'.

''(2) USE OF CONVEYED PROPERTY.— Subject to subsection (h), the real property conveyed to the Bend Metro Park and Recreation District under paragraph (1) shall be used only for recreation purposes and may be developed for those purposes. If the Secretary determines that the real property subject to this condition is converted, in whole or in part, to non-recreational use, the Secretary shall require the Bend Metro Park and Recreation District to pay to the United States an amount equal to the fair market value of the property at the time of conversion, less the consideration paid under this paragraph.

''(h) RECONVEYANCE OF PORTION OF BEND PINE NURSERY.—

''(1) CONVEYANCE TO SCHOOL DISTRICT.—As soon as practicable after the receipt by the Bend Metro Park and Recreation District of the real property described in subsection (g)(1), the Bend Metro Park and Recreation District shall convey to the Administrative School District No. 1, Deschutes County, Oregon, without consideration, a parcel of real property located in the northwest corner of the real property described in such subsection and consisting of approximately 15 acres.

''(2) USE OF CONVEYED PROPERTY.—The deed of conveyance under paragraph (1) shall contain a covenant requiring that the real property conveyed to the School District be used only for educational purposes.''.

(b) CONFORMING AMENDMENT.—Section 4(a) of such Act is amended by striking ''section 3(a)'' and inserting ''section 3''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3505, introduced by the gentleman from Oregon (Mr. WALDEN), would amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes. This bill will bring closure to an administrative process that has already taken far too long to complete.

Specifically, the bill will convey 170 acres of the Bend Pine Nursery site to the Bend Metro Parks and Recreation District and would also convey an additional 15 acres to the Bend-La Pine School District to construct an elementary school. The bill also contains a reference to an updated Forest Service map at the request of the administration. I urge adoption of the bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, my colleague has already explained the amendment. The legislation would benefit the Bend Metro Park and Recreation District, which has had a difficult time in purchasing excess Forest Service property in Bend, Oregon. The legislation includes provisions to ensure that the property to be conveyed will only be used for recreational purposes. The legislation also would provide property to the Administrative School District No. 1 in Deschutes County, Oregon.

The gentleman from Oregon (Mr. DEFAZIO) is also to be commended for his role in securing the passage of this legislation. We have no objection.

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

Mr. RADANOVICH. 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 California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

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

A motion to reconsider was laid on the table.

TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE BOUNDARY REVISION ACT OF 2004

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to expand the Timucuan Ecological and Historic Preserve, Florida, as amended.

The Clerk read as follows:

H.R. 3768

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 ''Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004''.

SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE, FLORIDA.

Section 201(a) of Public Law 100–249 (16 U.S.C. 698n) is amended—

(1) by striking ''(a) ESTABLISHMENT.—There is hereby'' and inserting the following:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(2) MODIFICATION OF BOUNDARY.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled 'Timucuan Ecological and Historic Preserve American Beach Adjustment', numbered 006/80012 and dated June 2003.

''(B) DUTIES OF SECRETARY.—The Secretary of the Interior shall—

''(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

''(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 3768, introduced by the gentleman from Florida (Mr. CRENSHAW) and amended by the Committee on Resources, would authorize the expansion of the Timucuan Ecological and Historic Preserve in the State of Florida by 8.5 acres. The additional land, much of it known as American Beach, would be donated by the Amelia Island Plantation Company. American Beach, established by Florida's first insurance company, the Afro-American Life Insurance Company, is the only remaining example of a beach resort established for use by African Americans during the divisive Jim Crow 1930s. In addition, the beach includes the Nana, the tallest natural dune on Amelia Island and habitat for the threatened loggerhead turtle.

Mr. Speaker, H.R. 3768, as amended, is supported by the majority and the minority of the committee, the Nassau

County Board of Commissioners of Florida, and the administration. I urge adoption of this bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3768, as amended, is a small, noncontroversial measure. The legislation involves the inclusion of 8.5 acres of land within the Timucuan Ecological and Historic Preserve in northern Florida. This parcel of land, known as American Beach, has historical ties to the African American community, largely represented by the gentlewoman from Florida (Ms. CORRINE BROWN), which used the area for many years for recreational purposes. It is our understanding that this noncontroversial measure has the support of the local community and there are no objections from the National Park Service to the inclusion of this recreational and historical land within the preserve.

That being the case, Mr. Speaker, we support the passage of the legislation today.

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

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. CRENSHAW), who is the sponsor of this important legislation.

Mr. CRENSHAW. Mr. Speaker, I rise today in support of H.R. 3768. I introduced this bill to provide protection to a parcel of land that is located in a historic area of my district, an area called American Beach which has great national significance. This beautiful stretch of shoreline provides a great history and a great story.

Founded in the 1930s by A. L. Lewis, American Beach provided a sunny paradise for African Americans during a tumultuous time in American history. This area of Florida's northeastern shore attracted African Americans from all over the country, including heavyweight boxing champion Joe Lewis, entertainer Cab Calloway, and civil rights leader A. Philip Randolph. While this Nation was struggling to find equality within its shores, American Beach provided a relaxing, culturally unique spot for African Americans to gather along the ocean's edge. The significance of this site was recently recognized when the beach and 120 residential homes in the area were added to the National Registry of Historic Places. Additionally, in 1992 the Florida legislature named American Beach the first site on the Florida Black Heritage Trail.

In his recently released budget, President Bush provides resources for a new Preserve America program through the National Park Service. This initiative is designed to encourage heritage tourism throughout the country. Today this legislation answers the President's call without spending a single dime of taxpayers' money.

Last year, American Beach's neighbor, Amelia Island Plantation, made arrangements to donate 8.5 acres to the National Park Service. Unfortunately, the Park Service could not accept this generous gift because the acreage rests outside the boundaries of the Timucuan Ecological and Historic Preserve. And so what this legislation simply does, it allows the National Park Service to accept the historic site by simply modifying the boundaries of the preserve.

I support this addition to the Timucuan, and others like it, where willing property owners and the National Park Service can work together as stewards of our national treasures. I urge the adoption of this bill.

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

Mr. RADANOVICH. 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 California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3768, as amended.

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

A motion to reconsider was laid on the table.

□ 1415

NATIONAL WAR PERMANENT TRIBUTE HISTORICAL DATABASE ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2201) 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.

The Clerk read as follows:

H.R. 2201

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 ''National War Permanent Tribute Historical Database Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials;

(2) there are many thousands of public memorials and permanent tributes throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(3) many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage; and

(4) there exists a need to collect and centralize information regarding the identification, location, and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental entity.

SEC. 3. ESTABLISHMENT OF DATABASE.

(a) ESTABLISHMENT.—In order to locate, identify, and catalog the many thousands of permanent tributes that commemorate the military conflicts of the United States, and the service and sacrifice of individuals in the Armed Forces of the United States, and to make such information readily available for the educational benefit of the public, the Secretary of the Interior, in consultation with the Secretary of Veterans' Affairs, may establish and maintain a database known as the National War Permanent Tribute Historical Database.

(b) CONTENT.—The database shall contain information on—

(1) the location, history, and background of the permanent tributes;

(2) photographs and other information to enhance the understanding of the permanent tributes;

(3) information about the veterans in whose honor the permanent tributes are dedicated; and

(4) any other information the Secretary considers appropriate and necessary.

(c) PUBLIC ACCESS.—The database shall be made accessible to the public, through the Internet or by other means, in a format that permits the public to submit information on permanent tributes for the purpose of updating and expanding the database.

(d) ASSISTANCE.—The Secretary of the Interior may seek the assistance of other Federal agencies and the States and their political subdivisions, tribal governments, public or private educational institutions, non-profit organizations, and individuals or other entities that the Secretary considers appropriate in carrying out this Act, and may enter into contracts and cooperative agreements to obtain information or services that assist in the development and implementation of the database.

(e) DEFINITION.—As used in this section, the term ''permanent tribute'' means any statue, structure, or other monument on public property commemorating the service of any person or persons in the Armed Forces.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

SEC. 5. REPORT.

Within 3 years after the date of enactment of this Act, the Secretary of the Interior shall transmit to the Congress a report assessing the efficacy and desirability of establishing a permanent fund within the Treasury for the repair, restoration, and maintenance of the memorials identified and catalogued under section 3. The report shall include recommended criteria regarding appropriate recipients of expenditures from such a fund as well as proposed funding mechanisms and any other information considered by the Secretary to be relevant.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. RADANOVICH. 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. 2201.

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

There was no objection.

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

Mr. Speaker, H.R. 2201, introduced by the gentleman from Colorado (Mr. UDALL), would authorize the establishment of a national database for purposes of identifying, locating and cataloging the many public memorials and permanent tributes to America's veterans of armed service. Once completed, this database will provide our Nation with an excellent educational resource for future generations to learn about the contributions made by members of our Armed Forces. It will also serve as yet another reminder of the sacrifice so many Americans have given to defend our country and the freedoms that we hold so dear.

Mr. Speaker, H.R. 2201 is supported by the majority and minority of the committee, and I urge adoption of the bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2201 is a bipartisan measure introduced by my colleague, the gentleman from Colorado (Mr. UDALL), that will help further the commemoration of the service rendered in military conflicts throughout American history.

There are thousands of public memorials that commemorate military conflicts of the United States and the service of individuals of the U.S. Armed Forces. On November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials.

As I said, there are many thousands of public memorials and permanent tributes throughout the United States, including in my district, the U.S. Virgin Islands, and abroad, that commemorate military conflicts of the United States and the service of individuals in the Armed Forces. Many of these memorials suffer from neglect and disrepair and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage.

There also exists a need to collect and centralize information regarding the identification, location and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental agency.

By directing the establishment of a centralized database of these public memorials, H.R. 2201 will contribute to the increased recognition and understanding of the events and people involved in the defense of our country.

Mr. Speaker, I want to take this opportunity to commend the gentleman from Colorado (Mr. UDALL) for his initiative on this important matter. I wholeheartedly support this bipartisan measure and urge its adoption by the House today.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 2201.

I want to thank Chairman POMBO and Ranking Member RAHALL as well as Subcommittee Chairman RADANOVICH and the gentlewoman from the Virgin Islands, Dr. CHRISTENSEN for their leadership in having the Resources Committee act so promptly on this bill. And I greatly appreciate the cooperation from the Veterans' Affairs Committee that has made it possible for the bill to come to the floor today.

Mr. Speaker, the purpose of the bill is to help the government and the public to keep track of the many important war memorials on public lands throughout our country.

It would also provide for a report to Congress to determine if there should be a permanent fund within the Treasury for the upkeep of these memorials.

These memorials remind us that the freedom we enjoy in the United States has not just been given to us—Americans have made great sacrifices, including their lives, to protect our way of life.

Unfortunately many of these memorials don't receive the care they deserve and have fallen into disrepair.

These memorials may not be as large as those on the National Mall or Arlington Nation Cemetery but they are just as important and should be taken care of.

In 2002, Congress agreed to a resolution expressing the need for cataloging and maintaining public memorials. The bill would follow through by taking the first step of cataloging our public war memorials.

By cataloging and reporting to Congress on the condition of all war memorials on public lands and by considering how to maintain them we make sure that our veterans are not forgotten.

Passage of this bill will be a step toward renewing our commitment to honor our Nation's veterans. I urge approval of the bill.

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

Mr. RADANOVICH. 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 California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2201.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

APPLAUDING THE MEN AND WOMEN WHO KEEP AMERICA MOVING AND RECOGNIZING NATIONAL TRANSPORTATION WEEK

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 420) applauding the men and women who keep America moving and recognizing National Transportation Week.

The Clerk read as follows:

H. CON. RES. 420

Whereas the United States transportation system is an extensive, inter-related public and private network of roads, airports, railroads, transit routes, waterways, terminals, ports, and pipelines;

Whereas millions of people and businesses rely on this expanding system to get to work, embark on vacations, conduct business, and ship goods within the United States and abroad;

Whereas this system links regions and connects small and large cities and urban and rural areas;

Whereas transportation contributes to economic activity and to a nation's global competitiveness as a service, an industry, and an infrastructure;

Whereas the transportation sector accounts for 11 percent of the United States Gross Domestic Product;

Whereas the transportation sector employs over 11 million Americans;

Whereas the average household spends about 20 percent of its income on transportation, more than on any other expense except housing;

Whereas the President has proclaimed, by Executive Order, May 16 through May 22, 2004, as National Transportation Week;

Whereas Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 120), designated the third Friday in May of each year as ''National Defense Transportation Day'' and, by joint resolution approved May 14, 1962 (36 U.S.C. 133), declared that the week during which that Friday falls be designated as ''National Transportation Week''; and

Whereas National Transportation Week provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and for making youth aware of transportation-related careers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the 108th Congress—

(1) applauds the men and women who keep America moving;

(2) recognizes National Transportation Week by supporting the goals of that Week; and

(3) urges all Americans to become more aware of the benefits and contributions of transportation to the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

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

Mr. Speaker, House Concurrent Resolution 420, introduced by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), recognizes the week of May 16 through the 22 as National Transportation Week and applauds the men and women who keep America moving.

Every Member of this body is well aware of the importance and the significance of our Nation's transportation system and its direct impact on the lives of everyone. According to the Bureau of Transportation Statistics,

the U.S. transportation system is composed of 46,747 miles of interstate highways, nearly 600 million airline passengers, 97,631 miles of class-one freight railroads, over 160,000 route-miles by bus, 26,000 miles of navigable waterways and over 69,000 miles of oil pipelines.

Mr. Speaker, our transportation system is so important to our Nation's economic activity and to our Nation's global competitiveness as a service, an industry and an infrastructure that it is more than appropriate that we recognize and applaud the men and women who keep America moving.

Our transportation sector accounts for 11 percent of the United States' gross domestic product and employs over 11 million Americans.

In my home State of Nevada, we are absolutely dependent on transportation for our economy. Tourism is the number one employer in my district, and the number one, two or three employer in every district in the country. Without the 30 million people who travel through McCarran International Airport each year, or the millions more who drive to Las Vegas and Laughlin down I–15 and US–95, we would not be experiencing the unprecedented growth in our community that we currently enjoy today.

I could go on, but I will conclude by saying I am encouraged every day by the new technologies that are constantly being developed to move us in ways that are faster, more efficient and environmentally sensitive. In Las Vegas, we are seeking to become the first community to deploy high-speed Maglev rail technology to better link us to southern California. We are also deploying Intelligent Transportation System technology known as the FAST system to warn us of traffic delays and Amber alerts.

Again, it is important that we recognize the significance and enormous contributions that transportation makes to our Nation's economy. I urge the adoption of this resolution.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H. Con. Res. 420, a resolution recognizing National Transportation Week and applauding the men and women who keep America moving.

Although Congress established National Transportation Week more than 40 years ago, this concurrent resolution provides an opportunity to acknowledge the great contribution of advances in transportation to our Nation's economic success and to salute the men and women who toil on a daily basis to improve America's mobility.

Our transportation investments have paid enormous dividends and enabled our Nation to become the premier economic power in the world. For instance, over the last 2 decades, spending for transportation and logistics fell from 16 percent of gross domestic product to less than 9 percent. We are moving more goods and more people far more efficiently than ever before. By reducing the portion of GDP that is dedicated to logistics, this 7 percent efficiency gain in our $10 trillion economy results in a savings of more than $700 billion per year.

It is this great American success story that this resolution recognizing National Transportation Week celebrates, and I urge Members to support the resolution.

But words without deeds are meaningless. The Committee on Transportation and Infrastructure on a bipartisan basis recognized that the beginning. Under the leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), they worked together to craft a bill that would invest $375 billion over 6 years to improve our highways, transit systems and safety programs, the very level of investment derived from the Department of Transportation's report on our highway and transit needs. Moreover, the investment would create and sustain up to 3.6 million family wage construction jobs, including 1.7 million new jobs.

Despite strong bipartisan support for this legislation in the House, the House Republican leadership, at the bidding of the White House, would not allow the committee to bring that bipartisan bill to the floor. Had the Bush administration not erected the roadblocks that prevented our bill from advancing through the legislative process, we could have celebrated National Transportation Week in a more meaningful way, pouring the concrete, laying the rail, and cutting the paychecks envisioned within the enactment of TEA-LU.

In an effort to move the bill forward, the Committee on Transportation and Infrastructure reluctantly reported and the House overwhelmingly passed a bill weeks ago with an investment level that is more than $100 billion less than our original bill, $100 billion less than what DOT's analysis shows is required to relieve congestion and improve the surface transportation system in our country.

But even the significantly smaller House bill, authorizing $283 billion and guaranteeing $275 billion is too high for the White House. The administration is still insisting that the total investment be no more than $256 billion over 6 years.

So, let me be clear on what the administration's bill provides: Not one more dollar for highway and transit infrastructure, not one new job. Compared to where we are today, the administration's bill provides no increase for highway funding and no increase for transit funding for the next 5 years, not a single additional dollar. As a result, not one additional job will be created by this zero-growth investment.

The administration's absolute insistence on flat-line investment for highway and transit infrastructure is unprecedented. In contrast, under TEA21, highway investment jumped from $21.5 billion in fiscal year 1998 to $31.6 billion in fiscal year 2003, a 47 percent increase. Transit investment grew even faster, from $4.6 billion in 1998 to $7.3 billion in fiscal year 2003, a 56 percent increase. Even under very difficult budget conditions in the early 1990s, under ISTEA, highway investment still managed to increase from $16.8 billion in 1992 to $18.3 billion in 1997, a 9 percent increase.

Under the President's bill, highway investment will have zero percent growth, from $33.6 billion in 2004 to $33.6 billion in 2009. Similarly, transit investment will have zero percent growth, from $7.2 billion in 2004 to $7.2 billion in fiscal year 2009. Moreover, the President's proposal will cut the guaranteed transit investment to $5.9 billion, an 18 percent cut from fiscal year 2003.

Mr. Speaker, this country has worked too hard to put the current transportation system in place to allow the administration and this Congress to squander previous investments made over generations and allow that system to deteriorate. As we celebrate National Transportation Week, let us move beyond the rhetoric of congressional resolutions to a bill that honors the work of generations of transportation workers and a system that must remain the envy of the world.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 420.

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

Mrs. CHRISTENSEN. 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, I would like to take this opportunity, while discussing National Transportation Week, to personally thank the 11 million Americans in our Nation's transportation workforce, especially those in Texas and the Dallas-Fort Worth area, for their hard work. They literally keep America moving, and I am pleased that we can recognize them all today.

Mr. Speaker, moving people and goods quickly and efficiently is vital to keeping the United States globally competitive, and we need to break the impasse and complete a right-sized highways and transit bill. The needs are many, and many Americans need the work.

Not only must we adequately invest in our transportation systems, but we must also continue to invest in transportation workforce development. Today's youth in America will be constructing and operating our future transportation systems, and we must encourage imagination, innovation and interest in transportation.

Mr. Speaker, National Transportation Week could not have come at a better time. I urge the administration to allow us to proceed with a highways and transit bill that will create good jobs for Americans and provide resources to deal with the bottlenecks, crumbling bridges, the need for more light rail construction, intermodal terminals, trade corridors, transportation security, and safety programs.

□ 1430

I would like to thank the gentleman from Alaska (Mr. YOUNG) and ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for being some of our Nation's biggest advocates for safe and efficient transportation systems. I look forward to continuing to work with them to address our Nation's infrastructure needs. I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for leading this discussion.

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

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

Mr. Speaker, a little more indepth history of the southern Nevada challenge in transportation, I think, today with Transportation Week it would be appropriated.

As you know, Nevada is one of the fastest growing States in the Union. We are growing at 5 to 7,000 people a month into the southern Nevada area. You can imagine the challenges that we have before us as a community that has almost doubled in the last 10 years, literally creating communities the size of 60 or 70,000 people every year.

Fortunately, over a decade ago, members of the Clark County Commission, local governments across the valley, decided to get together and create what is called the Regional Transportation Commission. The Regional Transportation Commission in concert with five local communities in southern Nevada worked together for the betterment and improvement of the southern Nevada area. As I mentioned, with the massive growth, the transportation needs are extreme. Fortunately, with the passage of this bill we will see additional funds to help us with this growth. And I applaud leadership and I applaud the chairman and the ranking member for their leadership.

Mr. CUMMINGS. Mr. Speaker, I rise to voice my support for H. Con. Res. 420, a bill that designates May 16–22, 2004 as National Transportation Week. Sponsored by the U.S. Department of Transportation, and more than 30 other transportation industry organizations, National Transportation Week is an opportunity to highlight the functions and accomplishments of the transportation industry.

There are nearly 4 million miles of roads in the United States. That's enough to circle the globe 16 times, travel round trip to the moon 8 times, or take 800 round trips between New York and Los Angeles. Since 1982 our population has grown almost 19 percent, the number of registered motor vehicles has increased 36 percent, and vehicle miles traveled has ballooned 72 percent. In spite of this growth, we have failed to keep pace with the increasing demands on highways and transit systems. Over the last 20 years we have added less than five percent to road capacity and even less to public transit.

Transportation is about people, and about providing them with the opportunity to lead safer, healthier, and more fulfilling lives. Moreover, our country's economic strength, our ability to improve productivity, and our capacity to create jobs are all dependent—to a great extent—on the health and vitality of our transportation system and its infrastructure. In 2003 the value of imported goods and goods designated for export that were carried on our Nation's transportation system amounted to nearly $2 trillion—that's $1,259 billion in imports and $724 billion in exports.

According to the Census Bureau and the U.S. Department of Transportation forecasts, by the year 2020: Annual vehicle miles traveled in the U.S. will increase 51 percent—from 2.8 trillion in 2000 to 4.2 trillion in 2020; the driving age population in the United States will increase 21 percent by 2020; and truck freight volumes will nearly double from 9 billion tons in 2000, to almost 17 billion tons in 2020.

I am stating these statistics because I am very concerned about the inadequate funding of our Nation's transportation system and this Committee's transportation bill. Without increased investment we will suffer both socially and economically. For every $1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained. Our Nation's deteriorating infrastructure and congestion, along with safety and economic problems warrant our strong and immediate response. Hopefully, during National Transportation Week, by acknowledging how heavily we rely on our national transportation system and the essential role in plays in our social and economic health, we will agree on a funding figure that adequately supports our need to keep America moving.

Mr. PORTER. 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 Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 420.

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. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR ACTIVITIES ASSOCIATED WITH THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial.

The Clerk read as follows:

H. CON. RES. 423

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL WORLD WAR II MEMORIAL DEDICATION.

The Capitol Grounds may be used for a public event providing additional space in conjunction with the dedication of the National World War II Memorial on May 29, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Architect of the Capitol is authorized to erect on Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 5104(c); 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

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

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

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

Mr. Speaker, House Concurrent Resolution 423, introduced by the gentlewoman from Ohio (Ms. KAPTUR), permits the use of the Capitol grounds for an overflow audience from the National World War II Memorial dedication ceremony.

This ceremony, which will occur at the National World War II Memorial, dedicates the memorial in honor of hundreds of thousands of men and women that gave their lives in the cause of freedom from 1941 through 1945.

Mr. Speaker, much has been said and written about the Greatest Generation, about the economy and country they built when they returned from the war. We are honored to have a number of those veterans serving in this body, and I am certainly personally grateful to have been able to work with each and every one of them. It is important that we as Congress do all we can to facilitate this very important ceremony,

and this concurrent resolution will allow more veterans to participate, albeit from a distance.

In my home State of Nevada, we have one of the fastest-growing veteran populations in the Nation with an increase in 30 percent with the veteran population in the 1990s. More than 18 percent of the approximately 240,000 veterans living in Nevada served during World War II, and I am honored to support this resolution on their behalf.

I support this resolution and encourage my colleagues to do the same.

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, I thank the gentleman from Nevada (Mr. PORTER). I rise in support of this resolution to authorize the use of the Capitol grounds for activities associated with the dedication of the World War II Memorial. The main dedication event is scheduled for Saturday, May 29, during the Memorial Day holiday weekend.

The resolution authorizes the use of the Capitol grounds for public events in conjunction with the dedication. In 1993, President Clinton signed PL 103–32 to authorize the construction of a memorial in Washington, D.C., to all the members of the armed services who served in World War II. In 1995, President Clinton dedicated the site on the Mall and the proposed design was unveiled at the White House in 1997.

The gentlewoman from Ohio (Ms. KAPTUR) is a leading advocate for the memorial and has been its staunch champion and sponsored this resolution.

Consistent with any event on the Capitol grounds, this event shall be free of charge and open to the public. To accommodate overflow visitors and participants, the Architect of the Capitol is authorized to set up a stage and any sound equipment that may be required for the event. Further, the Capitol Hill Police shall enforce the traditional restrictions on advertising on the Capitol grounds.

The dedication is an event long anticipated by World War II veterans and their families. I support the resolution and urge its passage.

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

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

Mr. Speaker, I also would like to recognize my father who served in World War II, what a great tribute to him and his friends and all those other folks that served our country and paid the ultimate sacrifice, and to my uncle who was in Pearl Harbor on December 7, 1941.

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

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

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for yielding me this time, and I thank our dear colleague from Nevada (Mr. PORTER) for allowing us this time on the floor. Also, to the gentleman from Illinois (Mr. HASTERT), I would like to thank him personally and to his able assistant, Ted Van Der Meid, for helping us move this legislation. I also want to thank the gentleman from the great State of Minnesota (Mr. OBERSTAR) for making this moment a reality.

I want to say, Mr. Speaker, thank you for the opportunity to bring to the floor H. Con. Res. 423, which authorizes the use of these Capitol grounds for activities associated with the dedication of the World War II Memorial on May 29, Memorial Day weekend, just a week from this Saturday.

Mr. Speaker, the dedication ceremony for the World War II Memorial will mark the beginning of the end of a 20-year journey. It will mark the recognition by this Nation that a grateful Nation does remember the most unselfish generation America has ever known. And when that memorial is dedicated between the Washington Monument, which marks the founding of our Republic in the 18th century, and the Lincoln Memorial, which acknowledges the preservation of this Union during the 19th century, this memorial will represent the fulcrum of the 20th century, that is the victory of liberty over tyranny in a just war.

The ceremony that will occur, including here on the Capitol grounds, will mark the culmination of a process that took form here in the people's House some 17 years ago when the original authorizing legislation that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) referred to was first introduced by me. Many, many Members were a part of making this possible. It has taken 10 Congresses and three Presidents. And I want to place in the RECORD, if I might, the wonderful Members of this House who made this ceremony and this Memorial Day possible:

Congressman Sonny Montgomery, Mississippi, now retired; Congressman Bob Stump, Arizona, now passed; the gentleman from Illinois (Mr. EVANS), currently the ranking member on the Committee on Veterans' Affairs; Congressman Henry Gonzalez of Texas, now passed; Congressman Bill Clay of Missouri, retired; Congressman Esteban Torres of California, now retired; Congressman John Grotberg, the Speaker's predecessor of the great State of Illinois, now passed; and from the other body, in particular, Senator John Glenn, retired; and Senator Strom Thurmond, now passed.

I think people tend to forget that the World War II Memorial which opened to the public approximately 3 weeks ago to rave reviews was a House idea, a House initiative, a House effort that the House kept alive for 2 decades.

On Thursday we will have a ceremony here in Statuary Hall to honor the six World War II veterans who currently serve in our people's House. We will present at that time to them the two flags that were handmade in the Buckeye State, in the State of Ohio, as we give them over to the Nation. And I would like to say a special thank you to the gentleman from Michigan (Mr. DINGELL), the gentleman from Illinois (Mr. HYDE), the gentleman from Ohio (Mr. REGULA), the gentleman from New York (Mr. HOUGHTON), the gentleman from Texas (Mr. HALL), and the gentleman from Florida (Mr. BILIRAKIS).

The legislative history behind the World War II Memorial is replete with struggle and controversy and occasional disappointment, but in the end a great victory and a magnificent tribute. There were stops and starts along the way, and no one knows this better than I; but in the end nothing could stop this powerful idea that came from the Heartland of America, from the Buckeye State, from the heart of one veteran named Roger Durbin from Berkey, Ohio, population 265, Lucas County; It is and idea that came from the grassroots of America. It was so meritorious that it eventually arrived here in our Nation's Capital and now has full expression on our Mall of democracy.

As we prepare to formally dedicate the memorial on May 29, this resolution will facilitate the use of the Capitol grounds and facilities to honor the hundreds of thousands of World War II-generation members and their families and their children and their grandchildren, as we dedicate that sacred soil on the Mall between the Lincoln Memorial and the Washington Monument.

In our district, as in other districts around the country, plans are already under way by many veterans organizations including the American Legion for local celebrations to coincide with the May 29 dedication here in our Nation's Capital. There will be satellite uplinks from all of the celebrations here. In our home town of Toledo, Ohio, local organizers will hold a ceremony in Fifth Third Field, the city that is home to the Toledo Mud Hens baseball team. Plans are already underway. Our community will hold the largest parade our citizenry has ever seen.

In Vermilion, Ohio, the local funeral director, Judy Riddle, has helped organize an event for the World War II veterans in that community. And it is an understatement to say that the funeral directors in Ohio raised more money than any other State to help build this memorial. In Wellington, Ohio, a local school teacher, Calvin Woods, has organized a group of students and parents to visit the memorial next week. They will be honoring local World War II veterans on the 29th as well.

I can say this, that when Roger Durbin first walked up to me 17 years ago—God rest his soul, he passed in the year of 2000—this was his last dying wish that this memorial be completed. He did not ask for himself. His statement was, Congresswoman KAPTUR,

why is there no World War II Memorial in Washington, D.C. where I can bring my grandchildren so they can understand the causes to which my life was dedicated?

So his desire was that our grandchildren, his grandchildren, America's grandchildren understand. It was rather coincidental, and some would say divine providence, that on the day that the plaza opened to the general public a few weeks ago, the very first group through that site was from Jones Junior High School from the county of Lucas, his home county; and that was not planned.

In fact, when Tim Russert was down there from NBC News, the children were all excited that they could see such a famous reporter. It was totally unplanned. I know Roger Durbin's hand was in that because he intended to be there for that dedication, and he always was dedicated to the future generations.

Thousands of veterans and their families are making their way already to Washington, D.C. to attend this ceremony here on our Nation's Mall. The logistical challenge is daunting. And of the hundreds of thousands of people on the National Mall, over half of them will be World War II veterans and their spouses, and almost all of them will be over 80 years of age.

We are planning a variety of events here in our congressional offices for that weekend. And we are very grateful that the Speaker has permitted the Capitol and its grounds to be open. Along with most Members' offices, our office in Washington will be open to our constituents.

□ 1445

We are also working with the office of the gentleman from Ohio (Mr. STRICKLAND) to host Ohio's veterans at the American Legion Post 8 here on Capitol Hill, both on Saturday evening and Sunday morning. We are expecting several busloads of veterans just from northwest Ohio, and those are the ones that we actually know about. We know some of them, well, they are just going to drive with their grandkids in campers and show up, and we are ready for them.

This concurrent resolution is essentially a formality. But it is the precursor to Congress rolling out the red carpet for the greatest generation America has ever known—our World War II veterans and their families, and other members of the World War II generation who served on the home front, their friends and family members, and other Americans who will be in town for the Memorial Day weekend. It is going to be a very heart-rending weekend. We are looking forward to it with great anticipation.

If my colleagues have been down to the site already, they cannot come away with a dry eye. As veterans and their families, some in wheelchairs, some walking with canes, some just there to reflect, come and touch the marble stone where perhaps where they fought is engraved. I watched one man go up, just touch the words Okinawa and he just stood there. I met a Purple Heart standing there on the plaza , and he thanked me. I said, sir, I was not even born. This is for you, thank you, because America does remember.

I again want to deeply thank the office of the gentleman from Illinois (Speaker HASTERT); the minority leader's office, the gentlewoman from California (Ms. PELOSI); and both sides of the aisle of the Committee on Transportation and Infrastructure for their help with this concurrent resolution; and I urge its adoption.

God bless our veterans and God bless America. I thank the gentlewoman for the time.

Mr. OBERSTAR. Mr. Speaker, House Concurrent Resolution 423 authorizes the use of the Capitol Grounds for activities associated with the dedication of the World War II Memorial on the National Mall. I'm proud to support this resolution and to support the dedication of the memorial to honor the achievements and sacrifices of our "Greatest Generation."

In 1993, P.L. 103–32 authorized the construction of a memorial on Federal land in the District of Columbia to honor members of the armed services who served in World War II and to commemorate United States participation in that conflict. Further, the public law authorized the American Battle Monuments Commission to solicit and accept private contributions for the memorial. The formal dedication event for the memorial is scheduled for Saturday, May 29, 2004.

The Capitol Grounds will provide additional space for this event, and the Architect of the Capitol is authorized to set up on the Grounds sound devices, related structures, and equipment as may be required to bring the event to a larger audience. Consistent with all events on Capitol Ground, the Capitol Police will enforce the ban on sales, advertisements, displays, and solicitations.

The dedication will be open to the public and free of charge and is expected to draw many hundreds of thousands of visitors and participants to the Capitol. Use of the Capitol Grounds will enable our veterans and the general public to participate more fully in the day's activities and enjoy this much-deserved dedication.

I support the resolution and urge its adoption.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 423.

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. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PORTER. 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. Con. Res. 420 and H. Con. Res. 423.

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

There was no objection.

EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4193) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit.

The Clerk read as follows:

H.R. 4193

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

SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—

"(1) IN GENERAL.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

"(A)(i) at the time such community was nominated, such community would have met the requirements of this section using 1990 census data even if such tract had been included in such community, and

"(ii) such tract has a poverty rate using 2000 census data which exceeds the poverty rate for such tract using 1990 census data, or

"(B)(i) such community would be described in subparagraph (A)(i) but for the failure to meet one or more of the requirements of paragraphs (2)(C)(i), (3)(C), and (3)(D) of subsection (c) using 1990 census data,

"(ii) such community, including such tract, has a population of not more than 200,000 using either 1990 census data or 2000 census data,

"(iii) such tract meets the requirement of subsection (c)(3)(C) using 2000 census data, and

"(iv) such tract meets the requirement of subparagraph (A)(ii).

"(2) EXCEPTION FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 1990.—In the case of any census tract which did not have a poverty rate determined by the Bureau of the Census using 1990 census data, paragraph

(1)(B) shall be applied without regard to clause (iv) thereof.

''(3) SPECIAL RULE FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 2000.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

''(A) either—

''(i) such tract has no population using 2000 census data, or

''(ii) no poverty rate for such tract is determined by the Bureau of the Census using 2000 census data,

''(B) such tract is one of general distress, and

''(C) such community, including such tract, meets the requirements of subparagraphs (A) and (B) of subsection (c)(2).

''(4) PERIOD IN EFFECT.—Any expansion under this subsection shall take effect as provided in subsection (b).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 101 of the Community Renewal Tax Relief Act of 2000.

SEC. 2. POPULATION CENSUS TRACTS WITH LOW POPULATIONS TREATED AS LOW-INCOME COMMUNITIES FOR PURPOSES OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45D of the Internal Revenue Code of 1986 (relating to low-income community) is amended by adding at the end the following new paragraph:

''(4) TRACTS WITH LOW POPULATION.—A population census tract with a population of less than 2,000 shall be treated as a low-income community for purposes of this section if such tract—

''(A) is within an empowerment zone, the designation of which is in effect under section 1391, and

''(B) is contiguous to one or more low-income communities (determined without regard to this paragraph).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to investments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

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

Mr. Speaker, I urge the House to pass H.R. 4193. This measure will allow communities benefiting from economic development tax incentives to use those incentives to the maximum extent they possibly can.

The purpose of H.R. 4193 is to increase the flexibility communities have to use both the Renewal Communities and the New Markets Tax Credit tax incentives.

The Community Renewal Tax Relief Act of 2000 authorized the Department of Housing and Urban Development to select, based on a highly competitive process, 40 distressed areas across the country as renewal communities. So, as renewal communities, these distressed areas are able to use tax incentives to promote economic development.

These incentives include: One, a zero percent rate for capital gains from the sale of qualifying assets; two, a 15 percent wage credit to employers for the first $10,000 of qualified wages; three, a commercial revitalization deduction; four, an additional $35,000 in section 179 expensing for qualified property; and last, expansion of the Work Opportunity Tax Credit.

Communities were initially selected based on the 1990 census data for population and poverty rates because this was the most current data available at the time. We now have up-to-date 2000 census data showing how the population has shifted and the population and poverty rates have moved. H.R. 4193 is going to allow a renewal community to include additional census tracts which have experienced rising poverty according to the 2000 and 2002 census.

The bill also updates the New Markets Tax Credit by helping more distressed, low-population communities become eligible for the credit's benefit. Today, the profile of these communities makes its hard for them to meet poverty and income tests. Without this adjustment, low-population and economically distressed areas within an Empowerment Zone's boundaries will not get the help they need to develop further.

The House has already acted by unanimous consent to update Renewal Communities with this new 2000 census data. So the addition of the New Markets Tax Credit provision improves the package and does not affect the Federal budget and has broad bipartisan support.

So I urge my colleagues, Mr. Speaker, to support this legislation.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from New York. His description of the bill is quite adequate, I think.

H.R. 4193 is basically a bill that was passed about 10 years ago, and the census data used at that point was the 1990 census. We now have the 2000 census, and this is simply making this bill work better. Communities like Yakima, Washington; Hamilton, Ohio; and Mobile, Alabama, will be among the many beneficiaries of this change in the law.

It is not a big law. We did not even bother having a hearing in the Committee on Ways and Means on it. So it must not be too big, and I urge the adoption of the bill.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 4193.

Over the past decade, few areas of the country have faced the economic and fiscal challenges that my Western New York district has experienced. When a section of the City of Buffalo received a Renewal Community designation by the Department of Housing and Urban Development, I saw the possibility of an economic revival in my district.

When an area is designated as a Renewal Community, businesses located there become qualified to receive certain tax incentives such as zero-percent capital gains rate on qualified community assets held for five years; work opportunity credits; commercial revitalization deductions; additional Section 179 expensing and the Renewal Community Employment Credit that credits employers $1500 for each employee who both lives and works in the renewal area.

Because of these significant financial and tax incentives designed for low-income areas, the City of Buffalo has seen many improvements to the local economy. However, like many of the other Renewal Communities across the country, the standards HUD uses to designate renewal communities need to be modified and improved.

The original bill authorizing Renewal Communities, The Community Tax Reform Act of 2000, directs HUD to use poverty, unemployment and population levels based on 1990 census tract data to determine if a tract qualifies for a renewal community designation. To date, HUD has designated 40 Renewal Communities areas across the country using this outdated standard.

Section 1 of H.R. 4193 makes a simple change to these designation requirements by allowing HUD to enlarge a Renewal Community by adding census tracts using 2000 census tract data.

Given the enormous advantages for cities like Buffalo, it just makes sense for areas that continue to face decline to be eligible to use the most current census data available. This bill will provide for the expansion for Renewal Communities across the country so areas like Buffalo and Jamestown, N.Y. can finally realize economic success.

Mr. Speaker, thank you for bringing H.R. 4193 to the floor, and I urge all my colleagues to support this common sense, bipartisan legislation.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 4193, which the House is considering today under suspension of the rules.

I want to take a moment to recognize the work done by my colleague, Representative QUINN, who introduced the original bill, H.R. 840, which serves as a basis for H.R. 4193. I was proud to be an original cosponsor of the earlier bill, which would expand the areas of Renewal Communities based on more recent census information.

Teh Renewal Communities Initiative combines tax credits and other provisions designed to revive some of the nation's more impoverished distressed areas. These cities can take advantage of federal wage credits, tax deductions, capital gains exclusions, and bond financing to stimulate economic development and job growth. Each incentive is tailored to meet the particular needs of a business and offers a significant inducement for companies to locate and hire additional workers.

We have come close before to enacting this commonsense change, but this time we cannot fail.

This is too great an issue of importance to the country, and in particular, my district in Western New York.

Due to a loss of population in the 1990's, my area would greatly benefit from this change.

Out of five Renewal Communities designated in New York State, three are in my district: Buffalo, Niagara Falls, and Rochester.

According to Fannie Mae, this technical change would allow 14 more census tracts to qualify in Rochester, 16 more tracts in Buffalo-Lackawanna, and seven additional census tracts in Niagara Falls.

Each city in my district needs these incentives to expand jobs and promote business investment in our downtown areas. The statistics from my district paint the bleak picture.

The March 2004 employment figures released by the U.S. Department of Labor in late April revealed that the Buffalo-Niagara Falls market had the highest unemployment rate increase over the past year among all major metropolitan areas with one million or more residents.

According to the Bureau of Labor Statistics, Buffalo's unemployment rate in March was 7.4 percent, up 1.1 points from 6.3 percent a year ago. The number of unemployed was 42,000 this year. In March, Rochester's unemployment rate was 6.7 percent according, with 700 more area people employed in March than in February. However, that is still 4,400 fewer people than had jobs in March 2003.

Manufacturers have slashed about 4,600 jobs in the last year. The biggest dip was in jobs producing nondurable goods such as film—an 8.7 percent drop. This decease was mainly a result of Eastman Kodak Co.'s continued downsizing.

The Renewal communities program seeks to entice businesses to develop commercial property and hire local employees. I strongly believe that the federal government can be an important partner in local efforts to spur economic development. The program provides critical tools to help with that partnership.

The expansion of the Renewal Communities program would give these cities the necessary spark to reignite their economic engines. I strongly urge my colleagues to support H.R. 4193.

Mr. ISTOOK. Mr. Speaker, H.R. 4193 that we are considering today, while making some simple changes to the tax code, would provide considerable positive impact to our low-income and distressed areas for years to come. I strongly support this measure, which would inject much-needed wealth into low-income and poverty-stricken areas through the creation of jobs and opportunities, where few now exist.

I am grateful to the Majority Leader, to the Ways and Means Committee, to its Chairman (Mr. THOMAS) and to the gentleman from New York (Mr. HOUGHTON) for bringing H.R. 4193 to the House floor today. Scheduling conflicts prevented them from bringing it to the floor during the last 3 weeks as was originally planned, so it's important to act today. Avoiding delay is the reason for acting today even though I must be absent, due to my longstanding commitment to deliver the commencement address to the graduating class of Oklahoma State University in Oklahoma City. But I am confident H.R. 4193 will be approved without any need for my presence, and thanks to the help from these other Members.

I want to draw your attention to section 2 of the bill, which provides a much-needed correction to the tax code for dealing with what's called the New Markets Tax Credit. This credit is designed to encourage taxpayers to invest in economically-distressed communities that have been designated as Empowerment Zones. Unfortunately, the tax code as it currently stands actually precludes some of the worst hit areas from taking advantage of the New Markets Tax Credit, which we have the chance today to begin to rectify.

Empowerment Zones were created to rebuild communities in America's poverty-stricken areas through incentives that would entice businesses back to areas that experience high unemployment and shortages of affordable housing. In the words of HUD Secretary Mel Martinez, "This critical partnership between the public and private sectors will give local businesses in distressed neighborhoods an economic boost to help drive revitalization, provide jobs and ultimately build a foundation for stronger communities." Currently, there are 30 areas designated as Empowerment Zones, whose status provides the community with a framework of tax incentives and bond financing that offers a significant inducement for companies to locate in designated distressed areas and to hire additional workers.

The New Markets Tax Credit permits taxpayers to receive a credit against their Federal income taxes for making qualified investments in designated Empowerment Zones, which totals 39 percent of the cost of the investment over a 7-year period. Unfortunately, the current tax code contains a "Catch-22" regarding Empowerment Zones and the New Markets Tax Credit. The credit is administered according to the poverty level of each census tract in an Empowerment Zone. To be eligible for the credit, a census tract must have a 20 percent or greater poverty level assigned to it by the Census Bureau.

The "Catch-22" is that if a census tract has no assigned poverty level then it is not eligible for the credit. Such a case exists in two census tracts of the Oklahoma City Empowerment Zone because they either have no population or an extremely low population. These are census tracts 1027 and 1031.02, which contain large amounts of space with no residences, even though they are in an urban setting (which is not unusual for a city in America's west).

Although the rest of the Oklahoma City Empowerment Zone is New Markets Tax Credit eligible, the federal statute precludes these two census tracts from eligibility as they must have a 20 percent or greater poverty rate. That is an obvious impossibility when there is no population or such an extremely low population that the Census Bureau will not assign a poverty rate. Yet these two tracts face the same compelling economic needs as the rest of the Zone. These two census tracts are in essence donut holes within the Empowerment Zone. They are surrounded by other census tracts that do qualify for the New Markets Tax Credit. Omitting them from that program makes no sense; it is a bureaucratic accident that would defeat the program's purpose. But like a donut, they have none of the tasty dough that makes a donut appealing.

I have worked with the Department of Treasury to try to overcome this obstacle to New Markets Tax Credit eligibility, but existing Federal statute does not grant the Treasury Department the discretionary authority they need to correct the injustice. Therefore, a legislative fix is required. Section 2 corrects this problem by amending the tax code so that census tracts with a population of less than 2,000 are eligible for the NMTC. The 20 percent poverty criteria requirement is waived if the census tract is located in an Empowerment Zone and is contiguous to at least one other low-income community.

Downtown areas often serve as commercial, industrial, and office centers, which consequently have a limited residential population. Ironically, the lack of housing precludes these areas from tax incentives that would help inject affordable housing and energize their economies with activity for the very people these programs are trying to serve. The Oklahoma City Health Sciences Center area serves as one such example. This medical complex is adjacent to downtown Oklahoma City. It includes the Presbyterian Foundation and Research Park, the University of Oklahoma Health Center, and the Oklahoma Blood Institute among other health care providers. These, along with the Oklahoma Medical Research Foundation and the Children's Medical Research institute, are part of a rapidly-developing area of bio-medical research and treatment facilities that is removing blight and serving a wide ranging constituency. But because the census tract that it is located in, as of the 2000 census, had only 72 residents, it was excluded from this program. The Census Bureau will not publish poverty and income information for a census tract such as this, whose source population is so easily identifiable, thus the Health Sciences Center area has no assigned poverty rate and is not New Markets Tax Credit eligible. Enacting H.R. 4193 will encourage development of much-needed affordable housing in this area, and provide job opportunities that will benefit people of all income and skill levels anchored through the growing bio-medical industry.

Another example of a blighted project that would quickly benefit from passage of H.R. 4193 is the Skirvin Plaza Hotel, located in Oklahoma City's inner city. This beautiful 1910 building, which is an important example of early art deco design has been closed since 1988 and is awaiting a developer. Because its census tract has zero population, the hotel is not New Markets Tax Credit eligible. Although its revitalization would greatly contribute to the quality of life in downtown Oklahoma City through the jobs and economic activity that its reopening would bring. The simple fact that affordable housing does not exist in this census tract denies an estimated $9 million in equity that could otherwise be raised for restoring and reopening this now empty, abandoned hotel.

I have been advised that Oklahoma City is not alone in this situation. Chicago, Detroit, East St. Louis, and New York are also empowerment zone cities each containing census tracts with no population, for a total of 14 zero population tracts. I have to wonder how many other census tracts in empowerment zones also have extremely low populations. I cannot speak to the specifics of each city's case, but I know that Oklahoma City is not alone in its situation.

Although this legislation has particular importance to Oklahoma City, I believe that many federally-designated Empowerment Zones will benefit from its passage. I strongly encourage all members to vote yes for H.R. 4193.

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

Mr. HOUGHTON. 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 New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4193.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. 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. 4193, the bill just passed.

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

There was no objection.

UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3722) to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens.

The Clerk read as follows:

H.R. 3722

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 ''Undocumented Alien Emergency Medical Assistance Amendments of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The provision of medical care by public or private health care providers to undocumented aliens is appropriate only—

(A) to protect the health and safety of United States citizens;

(B) to save the life of an undocumented alien in a life-threatening medical emergency; and

(C) to stabilize an emergency medical condition so that an undocumented alien can be repatriated for medical treatment in the alien's own country.

(2) Federal reimbursement of emergency hospital services furnished to undocumented aliens should be conditioned upon obtaining sufficient information to promptly remove the aliens.

(3) Employers who employ undocumented aliens without completing employment authorization verification procedures should be held liable for uncompensated emergency services furnished to such aliens.

SEC. 3. CONDITIONS FOR RECEIPT OF FEDERAL ASSISTANCE FOR EMERGENCY SERVICES FOR UNDOCUMENTED ALIENS.

(a) IN GENERAL.—Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

''(C) APPLICATION OF REQUIREMENT.—Under such process, the Secretary shall not provide payment under subsection (c) to an eligible provider that is a hospital for eligible services for an alien described in subsection (c)(5)(A) unless the requirements of subsection (f) are met by that provider with respect to such alien.'';

(2) in subsection (e)(2), by adding at the end the following new sentence: ''Such term also includes, with respect to an undocumented alien described in subsection (c)(5)(A), costs for emergency medical transportation and evacuation incurred by a hospital in transferring and removing the alien to a foreign country for receipt of appropriate health care services.''; and

(3) by adding at the end the following new subsection:

''(f) REQUIREMENT FOR COLLECTION OF IMMIGRATION-RELATED INFORMATION FOR UNDOCUMENTED ALIENS.—

''(1) IN GENERAL.—No payment may be made under subsection (c) to a hospital with respect to the provision of eligible services to an undocumented alien described in subsection (c)(5)(A) unless the following requirements are met:

''(A) The hospital has obtained in good faith from the alien (or a legal guardian or other representative on behalf of the alien) the following information in a document that is signed by the alien (or such guardian or representative) under oath or affirmation and that is in a form that includes a notice that fraudulent or false statements constitute a criminal act punishable under Federal law:

''(i) The citizenship of the alien.

''(ii) The immigration status of the alien.

''(iii) The address of the alien in the United States.

''(iv) Such personal or financial data regarding the alien as the hospital routinely requires of non-indigent patients, including information regarding health insurance.

''(v) Information on the identity of any current employer of the alien for whom the alien has executed an Internal Revenue Service Form W–4.

A hospital is not liable for the accuracy of the information provided under this subparagraph so long as it exercises reasonable care and good faith in obtaining the information.

''(B) The hospital obtains one or more identifiers for the alien and records such identifiers in a digital, electronic format specified by the Secretary in consultation with the Secretary of Homeland Security. Such format shall be compatible with at least one interoperable database maintained by the Secretary of Homeland Security for the purpose of verifying the identity and immigration status of aliens.

''(C) The hospital transmits to the Secretary of Homeland Security, in a digital, electronic format and manner specified by such Secretary, the information provided under subparagraph (A) and the identifier (or identifiers) obtained under subparagraph (B).

''(2) MAINTENANCE OF HOSPITAL RECORDS.—For a period of at least 5 years, a hospital referred to in paragraph (1) shall maintain the original documents described in paragraph (1)(A) on file and makes such documents available for examination by the Secretary and the Secretary of Homeland Security or their designees.

''(3) PROVISION OF TECHNICAL SUPPORT.—The Secretary of Homeland Security shall provide hospitals under this section with software, training, and technical support services, at no cost to the hospital, to assist and enable hospitals to comply with the requirements of paragraph (1).

''(4) PROMPT ACTION BY DHS.—The Secretary of Homeland Security shall take steps as may be necessary—

''(A) to obtain, process, and promptly review information transmitted under paragraph (1)(C);

''(B) to determine whether an alien for whom such information is transmitted is removable under any provision of Federal immigration law; and

''(C) to initiate removal proceedings under the relevant provisions of the Immigration and Nationality Act in the case of any such alien who is identified as being removable.

''(5) REMOVABILITY.—An undocumented alien who obtains eligible services through a hospital and does not provide for payment for such services and who fails to provide accurate information described in paragraph (1)(A) or an identifier (as defined in paragraph (6)) shall be treated as removable on the ground described in section 237(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(5)).

''(6) DEFINITION OF IDENTIFIER.—In this section, the term 'identifier' means a fingerprint or other biometric identifier as the Secretary of Homeland Security may require.

''(g) RESPONSIBILITY OF CERTAIN EMPLOYERS.—

''(1) IN GENERAL.—In the case of an employer of an undocumented alien worker described in paragraph (2) for whom payments are made to a hospital for eligible services under this section, subject to paragraph (3), the employer shall be liable to the Secretary for the amount of the payments so made.

''(2) UNDOCUMENTED ALIEN WORKER DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'undocumented alien worker' means, with respect to an employer, an undocumented alien described in subsection (c)(5)(A)—

''(i) who is an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

''(ii) who has provided the employer with an Internal Revenue Service Form W–4; and

''(iii) with respect to whom neither the conditions described in subparagraph (B)(i) or the condition described in subparagraph (B)(ii) have been met.

''(B) CONDITIONS FOR EXEMPTION.—For purposes of subparagraph (A)(iii)—

''(i) FIRST SET OF CONDITIONS.—The conditions described in this clause for an employer and alien are the following:

''(I) The employer and alien have fully complied with all requirements of the employment verification system prescribed in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)).

''(II) The employer has enrolled the alien in a State workmen's compensation plan.

''(III) The alien is enrolled under a health benefits plan or health insurance coverage that provides such level of coverage with respect to emergency medical and hospitalization benefits as the Secretary shall specify, in consultation with the Secretary of Homeland Security.

''(IV) The employer has assumed responsibility for any cost-sharing (including applicable deductibles and coinsurance) that applies to the alien.

''(ii) ALTERNATIVE CONDITION.—The condition described in this clause for an employer and alien are that the employer has verified the employment authorization of the alien through the voluntary basic employment verification pilot program under section 403(a) of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208), where available, or by any other means made available for such verification purposes by the Secretary of Homeland Security.

''(3) LIMITATION ON LIABILITY.—The liability of an employer under this subsection shall be limited to an employer that employs an undocumented alien worker at the time (as specified under rules of the Secretary of Homeland Security) the eligible services are provided for which payment may be made by the Secretary under this section.

''(h) LIMITATION ON CARE REQUIRED.—Notwithstanding any other provision of law (including section 1867 of the Social Security Act, 42 U.S.C. 1395dd), a hospital is not required to make available to an undocumented alien described in subsection (c)(5)(A) care or services if—

''(1) the alien may be transported to the alien's country of origin (as determined in accordance with rules of the Secretary of Homeland Security) without a significant likelihood of material deterioration of medical condition of the alien (or, in the case of an alien in active labor, of the child), within reasonable medical probability, resulting from the transfer of the alien from the hospital; or

''(2) the care—

''(A) involves organ transplantation or other extraordinary medical treatment (or other treatment the estimated cost of which exceeds $50,000); and

''(B) is for treatment of a condition that existed before the alien entered the United States or is not required as a direct and immediate result of an accident in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue interim regulations implementing the amendments made by subsection (a) no later than 60 days after the date of the enactment of this Act and shall permit a period of public notice and comment of at least 90 days.

(2) FINAL REGULATIONS.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue final regulations implementing such amendments not later than one year after the date of publication of such interim regulations.

(d) ANNUAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall submit to the chairman and ranking minority member of the Judiciary and Appropriations Committees of the House of Representatives and the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Senate Committee on Governmental Affairs an annual report on the implementation of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended by this section.

(2) ITEMS TO BE INCLUDED.—Each annual report under paragraph (1) shall include—

(A) a cost analysis of Federal expenditures under such section 1011;

(B) a description of the assistance provided to hospitals under subsection (f)(2) of such section;

(C) the number of undocumented aliens removed under subsection (f)(3) of such section; and

(D) amounts recovered from employers under subsection (g) of such section.

(e) FEASIBILITY OF EFFECTING TREATIES FOR INTERNATIONAL MEDICAL EVACUATION.—

(1) STUDY.—The Secretary of State shall conduct an analysis of the feasibility and appropriateness of the following:

(A) Negotiating with foreign states treaties under which such states provide payment for the cost of international medical evacuation for their nationals who require emergency health care in the United States and who do not otherwise have insurance or other coverage for the costs of such care.

(B) In the case of nationals of a foreign state for whom significant costs are incurred under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and for which state a treaty described in subparagraph (A) is not in effect, imposing a visa, port of entry, or similar surcharge the proceeds of which may be used towards such costs and towards the cost of international medical evacuation described in such clause.

(2) REPORT.—The Secretary of State shall submit to the committees described in subsection (d)(1) a report on the analysis under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Ms. SOLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. 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. 3722.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. ROHRABACHER), the author of the pending legislation, be allowed to control debate on this bill on the majority side.

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

There was no objection.

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

Today, Congress has the opportunity to reassure the American people that there are elected representatives on their sides. No vote could be more indicative as to the priorities of a Member of Congress.

Is America to have a policy of unrestricted health care for illegal immigrants at the expense of American citizens and legal residents? That is the issue we are discussing today. Voting for H.R. 3722 means that my colleagues are not in favor of spending our limited health care dollars in an unrestricted way to give illegal aliens all the health care that they need in terms of today's standards.

Those Members of Congress voting against H.R. 3722 are draining limited health care dollars that should be going to our own citizens and legal residents.

H.R. 3722 would put some commonsense controls over the $1 billion fund that was created by a rider that was added onto the Medicare bill that passed just a few months ago.

What does H.R. 3722 do? One thing it does not do is add a burden of paperwork to the hospital emergency rooms, and that is a bogus argument. I would warn my fellow constituents that that lie has been spread around this body in order to get people to vote in the wrong way. It is a bogus argument.

To be reimbursed, the hospitals will be asking questions. To get part of that $1 billion fund they will be asking questions anyway. This legislation does not add considerably to any major degree to those questions. It simply adds a following question: Who was the immigrant's last employer or his current employer? Plus, the hospital must then take a photo or a fingerprint, which may be required to get that fund money in the first place. This information would then be available to the Department of Homeland Security and the INS.

This legislation does not require any reporting by the hospitals or the doctors or anyone else to the Department of Homeland Security. That, too, is a bogus argument that is going around, only we will hear it in the debate, I am sure. The hospitals do no investigating, no reporting; they simply have the information that is given to them when the patient is put into the system and that is made available to government agencies. It is the government agencies, the Department of Homeland Security and INS, that do the investigating, that do the rest of the work. Do not fall for bogus arguments.

Our hospitals today feel compelled to provide extensive and even long-term treatment to illegal aliens. That is what our bill, H.R. 3722, does second. It makes sure that our hospitals are relieved of this enormous burden of trying to provide unlimited health care to any illegal that comes into an emergency room.

We have been giving heart bypasses, even transplants. A young girl from Mexico had $5 million worth of expenditures in heart transplants just a few months ago, and then when the transplant did not work, her family, who were here illegally and actually had emigrated here with a $5,000 fee to a coyote, then sued the hospital because the transplant did not work. Well, this cost us billions of dollars a year.

If someone has a genetic disease or something like that, our emergency rooms should not be treating this in the first place; and the fact is, this bill will alleviate that burden by saying that only if a person's life is imminently threatened by that malady do the hospitals have to focus on that and treat someone whose life is immediately being threatened rather than provide hundreds of thousands of dollars of long-term cancer care, genetic problems, et cetera.

□ 1500

This alone will save billions of dollars that should be going to the American people. The doctor will only determine how much treatment is necessary to get this person to a transportation source that will get them back to their home country so their home country can pay for the health care costs, rather than our senior citizens and our young people being deprived of the resources for their health care.

Number three. If it is a life-threatening emergency, the illegal alien will be treated. There is no doubt about that. This bill does not change that. But if he has no insurance, the alien's employer or former employer will be given the bill. Businessmen will be given the bill if they hire illegal immigrants who end up draining away our health care dollars. This makes all the sense in the world.

Now, the businessmen are coming out against this, saying how can we judge? In 2005, there is a system already being worked on and being established that with one phone call they will be able to determine if they are hiring an illegal immigrant. If a businessman has not made that phone call and has hired someone without checking it out, then he will pay for the health care costs rather than having the taxpayer pay for it.

We will hear a lot of people trying to tell us there are a lot of other things in this bill that are not. But it comes down to this: Whose side are we on? Do we care about our own senior citizens more than we care about strangers from overseas? Do we care more about our own people than we care about strangers from overseas?

If we keep trying to provide everything for everybody, our system is going to break down, and it is doing so right now in California. I would urge my colleagues to support 3722 and prove to their constituents just whose side they are on. We could have corrected this a long time ago, but we hear people all the time, and we will hear it today, with every excuse for not doing something. But the fact is some people in our country are benefiting from illegal immigration. They are very powerful. But it is hurting American citizens, and this bill tries to put a stop to that, or at least turn that situation around today with H.R. 3722.

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

Ms. SOLIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I rise in opposition to H.R. 3722.

Mr. Speaker, if enacted, The Undocumented Alien Emergency Medical Assistance Amendments will turn our hospital caregivers into "de facto" border patrol agents for the Federal government. The measure would require hospitals to take biometric "identifiers"—fingerprints or digital photographs—of any patient whom they suspect of being an illegal immigrant and send that information to the Department of Homeland Security (DHS), in order to receive funding for the uncompensated costs of providing emergency care to undocumented immigrants. Hospitals are already understaffed and they do not have the resources needed to collect this information while trying to administer emergency care.

This bill would discourage illegal aliens from seeking treatment for possibly contagious diseases for fear of being deported. In close-knit communities, such as many border areas, disease can spread quickly. This would lead to a potential health crisis in areas throughout the country—especially the southwest.

Illegal immigrants are in the United States as a direct result of the government's inability to control our borders, and our hospitals are bearing the brunt by not being reimbursed. Controlling immigration is a Federal responsibility—not the responsibility of doctors and nurses trying to administer care. Border Patrol agents are not taking illegal immigrants into custody who need medical treatment to avoid paying for the care. Federal agencies should be responsible for what is a Federal problem.

The Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospitals to provide emergency care to anyone who comes to their emergency rooms, without regard to race, creed, color, financial ability to pay, citizenship, or immigration status. H.R. 3722 goes directly against EMTALA by forcing hospitals to guess which patients they believe are illegal immigrants, take down information about their immigration status, employer and address, and report to the Department of Homeland Security. It would burden hospital workers with a staggering amount of administrative work and subject them to charges of discrimination for singling out certain individuals for identification.

The Centers for Medicare and Medicaid Services is creating regulations to keep hospitals accountable for how they are reimbursed for treating illegal aliens. Those regulations are due in September. Passing this legislation would directly preclude CMS—the agency that knows best how to handle this situation. If it is deemed these regulations are not adequate, we should revisit this debate.

Do not turn doctors and nurses into police officers. Oppose H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I rise in strong opposition to H.R. 3722. I think this is one of the most outrageous pieces of legislation I have seen this year, and unfortunately I believe it is a misguided bill. I believe that this bill does not stand for all of those that we represent in our districts.

I understand that through the census count we account for everyone in our districts, and that goes for the gentleman from Orange County, California (Mr. ROHRABACHER), where I know he has an undisclosed number of people who may not be registered or accounted for; but he gets credit for that. Those numbers are put into place because we represent every single person, whether they are accounted for or not legally.

This bill goes in the wrong direction because it asks for our hospitals to become enforcers of immigration law. I cannot underscore how important it is to discuss this matter. Because as it is now, in California, we have already gone through the battle of 187 and trying to keep health care services and English educational services for children. The courts found that unconstitutional. Do we have to go to battle again?

Why does this bill have to direct our resources that right now are so, so important for every single person in our districts and be used to ask our hospital administrators, doctors, nurses, aides, to now require to have 5 years' worth of records that they must maintain giving some kind of evidence that they serve people who may be undocumented? That, in and of itself, I would say is a waste of time and money, money that should be afforded to sick people.

What happens in a classroom when you have a sick child who may, under no fault of their own, be there and not be a U.S. citizen? When they go to kindergarten, there is nothing that says that the child next to them will not be infected by maybe a contagious disease that they have. Hopefully, that never happens; but the fact that they would be prevented from health care services, and just knowing the fear that that family would have to go through to enter into the doors of a hospital knowing somehow they may not come back; that somehow Homeland Security is going to be there to pick them up and ship them back. And what about a woman going through active labor? She will be deported, because under the gentleman's bill that is what it says. The bill goes in the wrong direction.

I am standing with people in my district. And, in fact, there are several hospitals in the gentleman's own district who are against the bill. Some of the hospitals in Orange County: Garden Grove Hospital Medical Center, Loma Linda University, Queen of Angels Hollywood Presbyterian Hospital, Scripps Mercy Hospital, Suburban Medical Center, Sutter Medical Center in Santa Rosa, and Western Medical Center in Santa Ana.

Throughout the State of California we are finding many of our friends, both in public and private sector hospitals, are against this bill. So I do not think we are standing alone here. I think we are standing very united that we see a very misguided bill, unfortunately, that is being presented to us today.

The Federation of American Hospitals, the American Hospital Association, the Catholic Health Association of the United States, and the National Association of Children's Hospitals are all in agreement that this bill goes in the wrong direction.

I would ask for Members to consider the people who are joining us today that are saying this is the wrong message. We all have an obligation, I believe, to provide under our own laws service to people who come to our hospitals. That is a given. We do that. And maybe it is an unfunded mandate, but it is one we all abide by. I do not think we are in a position to turn people away.

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

Mr. ROHRABACHER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from California (Mr. ROHRABACHER) has 14 minutes remaining, and the gentlewoman

from California (Ms. SOLIS) has 16½ minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds and just note that this fund of a billion dollars that was created that we now have to put some controls on, and that is what 3722 is trying to do, creates a perverse incentive. If we let this go through as it stands, what is going to happen is this: people who come to the emergency rooms who are American citizens or legal residents who have no insurance will be put behind and at the end of the line and the illegal immigrants will be put to the front of the line because the Federal Government is picking up the tab.

This is a perverse priority. We should be taking care of our own citizens before we take care of illegal aliens.

Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California for bringing H.R. 3722 here before us and before the floor.

We have already a jobs magnet. The jobs magnet that is there is what draws so much illegal immigration into this country. The disincentive has not been put in place. This is not the first administration that has not aggressively enforced our immigration laws. This jobs magnet exists, and we have added to that a new magnet. The new magnet is called free health care for illegals, and then we tap into the American taxpayers.

Now, I hear my Democrat colleagues over on this side continually railing about overspending, overspending. This is overspending. And it is not just a billion dollars. That responsibility comes to $9 billion a year, and it is growing. So we add to the jobs magnet the free health care magnet.

And by the way, I want to point out that the system the gentleman from California (Mr. ROHRABACHER) addressed, where an employer has an ability now, and will have by December 31 everywhere in the country, to verify the hiring and the legal status of a prospective employee, is called the SAFE Act. It has been in six States now. I have run that system myself. It is Web-based, as well as a phone call, but Web-based, and it is as close to infallible as anything we can put out, and it is going to get better. Employers can guarantee that they are hiring legal employees.

We do not need to be subsidizing the health care for illegals. That is another way of subsidizing employers who are taking advantage of the cheaper labor that sets our hardworking Americans back and puts them in the unemployment lines. This is a national security issue, it is a national budget issue, it is a cultural continuity issue, and it is a commonsense issue.

I thank the gentleman from California for bringing the bill, and I enthusiastically support H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield 3 minutes and 20 seconds to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I rise in strong opposition to a fiscally irresponsible, unsafe, and discriminatory bill that is only on the House floor due to a back-room deal that was reached late at night to gain passage of the Republican Medicare prescription drug bill. That deal was reached at the expense of Americans of Hispanic descent and of other immigrant groups that are now legal and also U.S. citizens, as well as our Nation's health is disgraceful. We continue to see elements of the xenophobic face of the Republican Party.

What does this bill do? If you are rolled into an emergency room and you do not have insurance, then you are to be asked whether or not you are here legally in the United States. Now, I get rolled into an emergency room, Mr. MENENDEZ, or maybe someone who might even be described as more characteristically Hispanic, or maybe Asian, or some other group, and I do not happen to have insurance, as unfortunately 40 million Americans who are here as U.S. citizens do not have, and I get asked whether or not I am a citizen of the United States. That is shameful. You would not ask any other citizen that. But because I happen to have the misfortune of not having health insurance, you ask me. And of course those of us who look a certain way will for sure be asked.

And then what else do you do? While I am suffering, not only do you want that information, but then we are going to go through an Orwellian process of getting some type of digital electronic identifier of this U.S. citizen who does not have insurance but cannot prove that he is or is not a U.S. citizen lying there in that emergency room. That is what the bill of the gentleman from California (Mr. ROHRABACHER) does. Do not be deceived.

Now, I know he says there are a lot of lies going on about his bill. I guess the hospitals of the Nation are lying as well. Let me tell you what they say. Here is what the American Hospital Association said. It says,

> America's hospitals treat everyone who walks through their doors, and we are opposed to Mr. ROHRABACHER's bill because it is bad policy, bad policy for hospitals, nurses, doctors, and other health care personnel who work in hospitals, but most importantly it is bad policy for patients.
>
> Rohrabacher's legislation is bad policy because it takes hospitals away from what we do best, caring for and healing our patients. The requirements for reimbursement under the legislation would turn hospital workers into border patrol agents. That is not our jobs. We are caregivers, not cops. And hospital caregivers are already burdened with paperwork which requires at least 30 minutes, often an hour for every patient. The additional burden of policing suspected undocumented immigrants would take health care workers away from their primary mission of healing and caring.

And not only that, it hurts everyone else waiting in that emergency room for care. Because as we are trying to get all this documentation, for which we give these hospitals no funding to do it, we are also taking away from the care of everyone else there, and we are allowing communicable diseases to spread in communities like that. That is outrageous.

This bill should be defeated. It is shameful that it is even on the House floor.

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

What is shameful is how shameful some of my colleagues are getting the facts totally wrong and do not know what they are talking about. Someone must have briefed them with the wrong information.

This bill does not require our hospitals to gather any significant more information. The information that is being gathered that my colleague is complaining about, what we just heard, the great condemnation of all the questions that must be asked and all the information that must be gathered from this U.S. citizen, who might be an illegal, is already required of the hospital in order to get the funding, the billion dollars, that was set aside for them. It is not required by my bill. It is required in order to get reimbursement.

My bill simply says that if they are going to ask those questions, and they are going to expect to get reimbursed, they also have to ask who the employer is and get a fingerprint or a picture, which they are probably going to have to get in order to be reimbursed in the first place. So the gentleman's complaints are not against 3722. His complaints are that the Federal Government is now going to have an unlimited reimbursement for illegal immigrants and they are going to ask some questions for it. Do not blame 3722.

And let me note this also: we have had an example given to us of an American citizen who is there, and he is being threatened because he has to answer whether or not he is an illegal immigrant or not. The greatest threat to the treatment of American citizens and legal residents is that we are going to spend all of our available health care dollars taking care of illegals who should not be getting that money. The greatest threat to our senior citizens, to our young people is that we have a limited amount of health care dollars and my colleagues want to spend it on people who have come here illegally.

□ 1515

My colleague pointed out this will bring tens of millions of more people here and even a greater drain until the system breaks down.

The bottom line is the people who are in favor of spending our limited dollars on American citizens and a very doable system here that is no more complicated than what the hospitals are

going to have to go through to get reimbursement in the first place should be voting in favor of H.R. 3722. If they want to spend their money on people who came here illegally, rather than our own citizens, waste those dollars, make sure more illegals get in, go ahead and vote against H.R. 3722.

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

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this legislation. Seldom has this House had before it a more ill-considered proposal. This legislation purely and simply attempts to turn our frontline medical care providers into Border Patrol police.

Unlike what was just told us by the gentleman from California (Mr. ROHRABACHER), this is not their mission. They do not ask these questions now. It is not their professional responsibility. It is not the appropriate role for those committed to saving lives and protecting the health care of our communities.

What does society gain by forcing undocumented aliens to forgo emergency care because, as a practical matter, that will be the result if they are asked these questions on their immigration status? What benefit does it make for a woman in labor not to come in for medical care because she is fearing that she will be deported? And what does society gain by discouraging people with contagious conditions, who may put us all at risk, from going in and getting the diagnosis and treatment they need? Do we want someone who might have SARS to be afraid to go in for treatment?

We need to help our hospitals and emergency systems have the resources to treat all people who are eligible for those services. What we do not need to do is to stretch their resources further on a mission that is not theirs to fill. This is not an appropriate action for Americans or appropriate policy on health care for those in need. That is why all of the hospitals oppose this legislation.

I urge that we oppose this bill.

MAY 7, 2004.

DEAR MEMBER OF CONGRESS: We understand that the House of Representatives is expected to soon consider legislation (H.R. 3722) proposed by Representative Rohrabacher (R–CA). The undersigned organizations, representing America's hospitals and health systems, health care providers, and safety net systems, are united in our opposition to H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004,'' and urge you to oppose this legislation. We believe it will severely undermine Section 1011 of the Medicare Prescription Drug, improvement, and Modernization Act of 2003 (MMA) and create unnecessary barriers to life saving treatments at hospitals nationwide.

After months of careful deliberation by the Medicare conferees, the Congress and Administration included essential resources for hospitals providing life saving emergency are to undocumented aliens. The undersigned organizations deeply appreciated the inclusion of Section 1011 in MMA.

We are deeply concerned that H.R. 3722 would weaken Section 1011 by imposing new burdensome requirements on hospitals in order to receive any of the resources from Section 1011. In addition, H.R. 3722 would virtually ensure that illegal immigrants will avoid getting the appropriate and timely life saving health care they need, when they need it. H.R. 3722 could pose a significant public health threat for entire communities because the fear of deportation would inevitably preclude undocumented immigrants from seeking care for communicable disease until these individuals are extremely ill.

Hospitals provide care to anyone who walks through their doors,—regardless of race, ethnicity or citizenship status,—twenty-four hours each day, seven days a week. That is the role of community hospitals. Rep. Rohrabacher's legislation, however, seeks to create a new role for hospitals in their communities—that of border patrol agents. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require that hospitals demand and upload personal data—including such ''identifiers'' as fingerprints and digital photographs—on undocumented aliens to an electronic database set up by the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) for deportation purposes. Furthermore, the bill requires hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overwhelmed system.

We do not believe this is in the best interest of the patients we serve and the nurses and physicians that provide emergency care. Today's health care delivery system in very fast-paced and in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect these data diverts us from doing our job of caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency.

We respectfully ask that you oppose this legislation should it come up for a vote.

Sincerely,

Federation of American Hospitals.

American Hospital Association.

National Association of Public Hospitals and Health Systems.

Association of American Medical Colleges.

Catholic Health Association of the United States.

National Association of Children's Hospitals.

VHA Inc.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 13, 2004.

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

DEAR SPEAKER HASTERT: On behalf of the American Medical Association (AMA) and its physician and medical student members, I am writing in strong opposition to H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004'' (Rohrabacher, R–CA). This bill would amend Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) to impose conditions on Federal reimbursement of emergency health services furnished to undocumented individuals and require physicians and other health care providers to report undocumented patients to the Department of Homeland Security so that they could be deported.

This provision would effectively negate Section 1011 of the MMA which will provide funds to reimburse physicians and hospitals for treating undocumented individuals. The AMA has been working with the U.S.-Mexico Border Health Commission and state medical societies in Arizona, New Mexico, Texas, and California, as well as the Centers for Medicare and Medicaid Services, to determine the best way to implement Section 1011. Physicians in these states believe these funds are critically needed to provide necessary health services to undocumented individuals who cannot afford to pay their medical bills.

This bill would effectively turn physicians and other health care providers into border patrol agents. By requiring physicians to report patients and perhaps withhold necessary care, this bill would in effect require physicians to violate their Hippocratic Oath. Finally, by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, this bill could have very negative effects on existing public health efforts.

The AMA urges you to oppose this bill when it is considered on the House floor.

Sincerely,

MICHAEL D. MAVES, MD, MBA,
Executive Vice President, CEO.

FAMILIESUSA,
Washington, DC, May 17, 2004.

DEAR MEMBER: On behalf of FamiliesUSA, the voice for America's health care consumers, I am urging you to reject the Undocumented Alien Emergency Medical Assistance Amendments of 2004, H.R. 3722. This bill would require hospitals to report to the Department of Homeland Security the name of any undocumented immigrant who receives care within two hours of their treatment. If adopted, this provision would have damaging effects on the care of all Americans, especially on the Hispanic population.

If they are faced with fear of deportation if they present at a hospital, undocumented immigrants who are in need of treatment may not seek it. As a result, health problems may go untreated, endangering the health of the individual, and also creating potentially serious public health problems. Confusion about the applicability of this proposal may deter even some legal immigrants from seeking treatment. What is more, our nation's hospitals and health care providers will be forced to divert their time and attention from saving lives to acting as immigration officials, resulting in diminished care in the hospitals.

We urge you to vote against this legislation which creates a public health danger.

Sincerely,

RON POLLACK,
Executive Director.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, again we hear this bogus argument that this bill is going to create more paperwork. The paperwork and the questions that we are talking about are required by hospitals who are going to be trying to get reimbursement through this billion dollar fund, which was snuck into the Medicare package with a back room deal, I might add. It is not required by my legislation; it is required to get reimbursement. If a hospital does not want to be reimbursed, they do not have to ask any questions, they can do whatever they want.

Let me note, all contagious diseases have been exempted by this legislation.

Ms. SOLIS. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I want to repeat, my good friend from Long Beach and Orange, California, is absolutely incorrect. The hospitals do not have to ask this question of emergency care patients. We do not know what the emergency is when they come in, if it is a communicable disease that they are suffering from such as SARS. Hospitals do not ask this question. They give care to the patients.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, it is painful for me to rise in opposition to this legislation. The gentleman from California (Mr. ROHRABACHER) and I have worked together on immigration issues for years, and I will take a back seat to no one when it comes to the issue of protecting our borders. I have had legislation to dramatically increase the size of the Border Patrol, and I believe it is very important for us to deal with the issue of illegal immigration.

But I happen to have come to the conclusion, while I support the right to offer this legislation, I believe it is wrong. My concern is that it will send a message to many people who may not know that they have a contagious disease that the threat of deportation is on the horizon. Safety and security for the American people is our number one priority.

I strongly support anything that we are going to do to ensure that the American people are safe and secure, that we are able to protect our families. My concern is that someone who could conceivably see the threat of deportation as they go through this process, and when I think about the process of State and local governments shouldering the responsibility of having to deal with possible incarceration of these people, the cost is tremendous and the possibility of the spread of disease is very great.

I appreciate the fact that there is an exemption, but people may not know whether or not they have a contagious disease, and it is for that reason I think the right thing for us to do now is to oppose this legislation and work in a broad way to deal with the challenge of illegal immigration, which is a very serious and important one for us.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Let me note that if we really want to have the spread of disease in this country, let us set ourselves up as the HMO for the whole world. Let us make sure that everybody in the world knows that if they can get their kids to the United States, we will take care of them, and see how many diseases we are going to get.

That is what is happening in California right now. Diseases are beginning to materialize because people have brought their children and brought their seniors as well to come to the United States to be treated. We have got to end that syndrome because the money is coming directly from the health care dollars that should go to our own citizens, and it is luring more people with disease into our country.

This is a catastrophe. The best way to prevent it is to vote yes on H.R. 3722.

Mr. Speaker, I yield 3½ minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise to support H.R. 3722, and I would note if safety and security is the main concern of our country, then perhaps we ought to start at the borders and enforce the laws that we have on the books. Were we doing that, this legislation would not be needed.

Between 1990 and 2000, the number of illegal aliens in Georgia rose 300 percent. That was from 33,000 to 226,000 according to the U.S. Citizenship and Immigration Services. Nationwide, the estimates of how many illegal aliens live in our country range from 8 to 11 million, it sort of depends on who one talks to. Those that do work do not have health insurance, and technically the law forbids them access to Medicaid.

However, document fraud led many to question how many illegal aliens are fraudulently obtaining Medicaid today where we have a problem for our own citizens in every State having enough money to take care of Americans.

Last month, the Atlanta Business Chronicle reported that Grady Memorial Hospital in Atlanta is on the verge of closing its doors. Grady treats more illegal aliens than any other hospital in the State of Georgia. It only gets 7 percent of its revenues from patients with private insurance.

In 2002, the State of Georgia paid $58 million in emergency Medicaid reimbursements to hospitals that treated more than 15,200 illegal aliens, according to the Georgia Department of Community Health. About 75 percent of the funds went to pregnant women delivering babies. The total was a 33 percent increase from 2001 when the State paid $43.4 million for the care of 12,000 people.

Mr. Speaker, I will have to say, if we do not pass this bill, it is absolutely going to break our hospitals. We do have a billion dollars that was put into the Medicare bill for reimbursement to our hospitals for illegal alien care. That means, to obtain those dollars, and all hospitals, particularly rural, desperately need those dollars, hospitals have to ask the question: Are you or are you not a citizen? It is that simple.

I do not happen to think that we have a pot full of money that is so big that everybody can get everything that they want. We do not. I see it in Medicaid today for U.S. citizens. There is not enough money in there now. We have to be particular about how we spend that money. And first and foremost, it must be spent on the American citizen, not someone who started out the day breaking Federal law.

Mr. Speaker, we ought to be talking about that more than anything else. This Congress is responsible for that. We passed a law saying that people cannot sneak across our borders. If Members do not believe that ought to be the law, if they think that is not important, then stand up and repeal that and we will look at this whole scenario, including health care, in a different vein.

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

Mr. Speaker, I submit for the RECORD letters from various hospitals and organizations in opposition to this bill.

MAY 13, 2004.

RE: H.R. 3722 (ROHRABACHER)—OPPOSE

DEAR CONGRESSWOMAN SOLIS: On behalf of Private Essential Access Community Hospitals, Inc. (PEACH, Inc.), representing 37 private safety net hospitals across California, I am writing to express our strong opposition to H.R. 3722 (Rohrabacher), which would require hospitals to document the immigration status of those seeking emergency care. We ask for your NO vote when this measure comes before the House this month.

In California and throughout the nation, private safety net hospitals are a vital segment of the safety net, providing critical health care services to diverse populations within their communities, including undocumented immigrants. PEACH hospitals consider it part of their mission to provide essential services to all who seek care regardless of any barrier, including ability to pay or immigration status.

We have two primary concerns about H.R. 3722. First and foremost, our hospitals are in the business, socially, morally and economically, of saving lives and protecting the health care of their communities. They are not in the business of serving as immigration officers. This is neither the role of hospitals nor an effective use of extremely limited hospital funds and staff time—particularly in an emergency department setting.

Second, we believe that H.R. 3722, rather than discouraging the tide of illegal immigration, would instead have a negative impact on public health care. Individuals who are in need of emergency care, including those with contagious conditions and/or who are seriously ill, would be forced to avoid treatment in order to avoid the threat of deportation. This would likely result in the spread of serious and contagious conditions to the greater community creating a health care epidemic as well as a secondary wave of patients needing costly emergency care.

PEACH appreciates the desire to stem illegal immigration, but H.R. 3722 sets a very dangerous precedent by using health care providers as adjunct Border Patrol. We urge you to defeat this ill-advised measure, and appreciate your consideration of the views of those who are on the front lines of health care every day.

Sincerely,

CATHERINE K. DOUGLAS,
President and CEO, PEACH, Inc.

On behalf of:

California Hospital Medical Center, Central Valley General Hospital, Citrus Valley Medical Center—Inter-Community Campus, City of Hope National Medical Center, College Hospital Cerritos, College Hospital Costa Mesa, Community Hospital of San Bernardino, Community and Mission Hospitals of Huntington Park, Daniel Freeman Memorial Hospital, Fountain Valley Regional Hospital and Medical Center.

MAY 7, 2004.

DEAR MEMBER OF CONGRESS: We understand that the House of Representatives is expected to soon consider legislation (H.R. 3722) proposed by Representative Rohrabacher (R–CA). The undersigned organizations, representing America's hospitals and health systems, health care providers, and safety net systems, are united in our opposition to H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004,'' and urge you to oppose this legislation. We believe it will severely undermine Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and create unnecessary barriers to life saving treatments at hospitals nationwide.

After months of careful deliberation by the Medicare conferees, the Congress and Administration included essential resources for hospitals providing life saving emergency care to undocumented aliens. The undersigned organizations deeply appreciated the inclusion of Section 1011 in MMA.

We are deeply concerned that H.R. 3722 would weaken Section 1011 by imposing new burdensome requirements on hospitals in order to receive any of the resources from Section 1011. In addition, H.R. 3722 would virtually ensure that illegal immigrants will avoid getting the appropriate and timely life saving health care they need, when they need it. H.R. 3722 could pose a significant public health threat for entire communities because the fear of deportation would inevitably preclude undocumented immigrants from seeking care for communicable diseases until these individuals are extremely ill.

Hospitals provide care to anyone who walks through their doors, regardless of race, ethnicity or citizenship status—twenty-four hours each day, seven days a week. That is the role of community hospitals. Rep. Rohrabacher's legislation, however, seeks to create a new role for hospitals in their communities—that of border patrol agents. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require that hospitals demand and upload personal data—including such ''identifiers'' as fingerprints and digital photographs—on undocumented aliens to an electronic database set up by the Department of Homeland Security (DHS) and the Department of Heath and Human Services (HHS) for deportation purposes. Furthermore, the bill requires hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overwhelmed system.

We do not believe this is in the best interest of the patients we serve and the nurses and physicians that provide emergency care. Today's health care delivery system is very fast-paced and in an emergency situation, the urgency of providing life-saving care take precedence over anything else. Requiring hospitals to collect these data diverts us from doing our job of caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency.

We respectfully ask that you oppose this legislation should it come up for a vote.

Sincerely,

Federation of American Hospitals.

American Hospital Association.

National Association of Public Hospitals and Health Systems.

Association of American Medical Colleges.

Catholic Health Association of the United States.

National Association of Children's Hospitals.

VHA Inc.

Ms. SOLIS. Mr. Speaker, I yield 1⅓ minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in strong opposition to H.R. 3722, a bill that presents more questions than answers about providing efficient and effective health care treatment to undocumented immigrants.

I share the concern about lapses in our country's immigration program, and I support measures such as biometric visas and other advanced technologies to more accurately control who enters our country. However, I am very concerned about this particular legislation, as I fear that it will serve only to undermine the efficiency and effectiveness of our public health system with little benefit to our Border Protection Services.

Mr. Speaker, we are talking about health here. The reason that I hesitate to support H.R. 3722 is twofold. First, funding was included in last year's Medicare reform act for the simple purpose of assisting State and local health authorities to cover the cost of providing health services to illegal immigrants.

This provision demonstrates both our Nation's compassion by ensuring public health to all walks of life and also its commitment to providing our medical community with the necessary resources to do their jobs. Adding more regulatory and financial burdens, such as those outlined in H.R. 3722, will increase costs.

Secondly, I am concerned that immigration paperwork will either prevent or delay critical health care services to immigrants in general. Documentation can be dealt with after immediate medical procedures are rendered. Because of these concerns, I urge my colleagues not to support H.R. 3722.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, we have been asked to vote on a lot of really bad ideas presented by the majority, but I have to say this is clearly one of the worst.

This bill, regardless what the gentleman says, would require doctors and nurses to be part of enforcing Federal immigration laws while threatening the health and well-being of our communities.

But do not take my word for it. The American Medical Association says ''This bill would effectively turn physicians and other health care providers into Border Patrol agents. By requiring physicians to report patients and perhaps withhold necessary care, this bill would, in effect, require physicians to violate the Hippocratic Oath. Finally, by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, this bill would have very negative effects on existing public health efforts.''

I know the gentleman goes to great lengths to say what is not in his bill is not in his bill, but these are the experts that are required to actually carry out this law. This bill is so ill-advised, it could allow for a woman in active labor to be deported. That is not America.

We should vote ''no'' on the legislation.

□ 1530

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

We keep hearing the bogus arguments. This requires the doctors to ask so many questions; we know now that is not true. Only the people who are trying to get reimbursed from that billion-dollar fund are going to ask the questions. This bill has minimal added questions. Two. Who is your employer and then taking a picture or getting a fingerprint which might be required in order to get reimbursed in the first place.

Do my colleagues on the other side of the aisle really believe in unlimited treatment for illegal immigrants without asking any questions? Is that what we are going to do? Who benefits from that? Certainly the illegal immigrant does and the tens of millions of other illegal immigrants who come into our country seeking health care, yes, they are going to benefit.

Who else benefits? The employer who does not want to offer health care to his employees. That is who benefits. That is who is being subsidized here. Behind the scenes when you get to the Chamber of Commerce and these other people opposing this, that is what their motive is. They do not want to offer health care to their employees. This gives the government the subsidy to subsidize them hiring people at below minimum wage level and, in fact, off the books at times. If you want to combat illegal immigration, this is the way to start; and it does not add any new paperwork or any new questions for the doctors.

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, envision this: an undocumented immigrant or a legal permanent resident or even a U.S. citizen suffers severe abdominal pain and finds himself in the emergency room of a nearby hospital. The first order of business for the emergency physician, nurse, or whoever is attending the patient is not to ask them where it hurts and do a physical exam to see if their life is in imminent danger, but to ask their immigration status and get a sworn statement to that effect.

If that patient at that particular moment cannot prove their legal status, that same doctor must make the choice not to provide care to this person, or they must at least report them to the immigration officials before providing lifesaving treatment. I ask you, what kind of choice is that? What happens if that same immigrant decides not to seek care because of the potential consequences and what could become a burst appendix leads to infection, more expensive care or possibly

even death? There is no humanity in the choice you are asking health care workers to make in this circumstance. They are no longer healers, but immigration law enforcers.

What is even more appalling is that the Republican leadership chooses to pursue this course of action to deal with this country's immigration problem rather than look at the comprehensive immigration reform measures that have been introduced in the House. If the Republicans are serious about reforming immigration, then take a look at the bill the Democrats introduced which would bring a sense of order and reason to the influx of immigrants into this country.

Let us not jeopardize our entire public health system in this misguided attempt to bring down health care costs and deport undocumented workers. This bill is an affront to our health care professionals and to the immigrant community in this country which would no longer be able to get care without presenting their green card first.

I urge a ''no'' vote on this legislation.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds. This bill does not require the first order of business to ask questions. This bill says if you want to be reimbursed from that billion dollar fund, yes, you are going to have to ask some questions, anyway, and adds one other question: Who is your employer? It does not require the doctors to turn anybody into the INS, although we have heard that over and over again in this debate. It does not require that. It requires their files to be available to the INS and to the Department of Homeland Security. It is those agencies that then follow through. The doctors do not have to report anything. It just has to be available on a computer.

Communicable diseases, we keep talking about that, that also is wrong. The bill exempts communicable diseases. Let us talk about the real issue, illegal immigration. How many services are we going to give people until we get tens of millions of more immigrating into our country?

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 3722. I am appalled that the Republican majority would bring such a mean-spirited and discriminatory bill to the floor of this House for a vote. Under current law, hospitals can receive reimbursement for emergency services they provide to uninsured people, including immigrants. Our current law is a responsible public health and safety policy. It is humane. In this country, we do not deny emergency medical treatment because someone is poor, uninsured, or born in another country.

The proposed H.R. 3722 would turn hospital emergency rooms into immigration processing facilities or, worse, detention facilities. Hospitals would be required to collect sworn statements of citizenship from individuals suffering medical emergencies. Hospitals would have to collect fingerprints or other biometric identifiers of all emergency patients. Under this proposed H.R. 3722, they would have to submit the information to the Department of Homeland Security and store it for a minimum of 5 years.

It seems to me there are a few Republicans who want to make people afraid to go to the hospital. This legislation will have deadly results in many of our congressional districts, especially in my district, a border district. We have daily trade and commerce across the border. Businesses depend on it. Fear will keep people from seeking life-saving medical treatment. I urge all my colleagues on both sides of the aisle to send a message to those who would sow fear and hate, by strongly opposing H.R. 3722.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, we face a record national budget deficit in this country. We face a record national debt of over $7 trillion, which we cannot leave to our children. We face in Harris County, Texas, spending over $100 million a year providing health care to illegal aliens.

This bill that the gentleman from California has filed, which I strongly support, only requires hospitals that are seeking reimbursement from that billion dollars to identify whether the individual in question is a citizen or not. A hospital is not eligible to be reimbursed unless they are already treating somebody who is an alien.

The gentleman from California's bill, and I have read it very carefully, requires that this question be asked of everybody who is presented to a hospital for medical treatment if they are an alien. The gentleman from California's legislation is based on common sense. We must make sure that we balance the budget in this country. The budget deficit is now over $500 billion. Uncontrolled immigration is a national security issue. We must control our borders. It is a financial security issue for the sake of our kids and our grandchildren.

I think the gentleman from California has come forward with a commonsense proposal that we can move forward on to the Senate and that we could deal with in conference committee. If opponents of this bill have better ideas, let them offer them as amendments. I strongly support the legislation and encourage my colleagues to vote for this bill in the interest of national security and the financial security of the future of this Nation.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, our border communities face some tremendous health care challenges. This bill would simply add to their burdens. It seems to confuse TV shows, trying to merge ''ER'' with ''NYPD Blue.'' It would involve our health care workers, our physicians, and instead of being physicians, it would turn them into Homeland Security deputies. When a doctor asks the nurse for a patient's vital signs, it ought not to mean fingerprints and a visa entry number.

Think of it. A parent who is rushing a child to the emergency room with an excessively high fever, with a rattlesnake bite, with an accidental-fall injury is thinking, ''can I get my child to the doctor on time?'', not ''did I bring my employment history, my immigration status, my financial status?'' Some of our border physicians face such immense burdens. That physician is thinking, ''how can I take care and save the life and the future of this young person?'' Involving doctors and nurses in the red tape of the federal bureaucracy jeopardizes all of us, because these viruses and bacteria are equal opportunity pathogens. Tuberculosis, typhus and hepatitis do not ask for your immigration status. All of us could be adversely affected if fear forces people not to seek treatment at a medical facility.

It is also important to consider that, finally, there is a small amount of relief for our border communities. Starr County, one of the poorest counties in the entire country, ought not to have to bear all of the cost of our federal immigration policy, nor should physicians in Mission or McAllen bear the entire cost of a policy that is federal in nature. Finally, there is some assistance on the way under legislation approved last year. Let us not destroy it with this bill. The Border Health Caucus has been leading the way in trying to find solutions to address the care of all the people in the border region.

As we discuss immigrants, some here see numbers, but these are real live human beings that face crisis every bit as real as that of someone like myself who has lived here forever. This is a chance for groups to come together to stop bad legislation and start us on the way to solving our health care problems along the border.

Ms. SOLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3722. Hospitals, doctors, and nurses ought to be free to do the incredibly important jobs we all depend on them to do, that is, to save human life. Sadly, this bill would help prevent that. In turn, this bill will hurt patients.

On a recent New Year's Eve in a hospital in my district, an undocumented woman gave birth to a girl. That girl, by birth, is a U.S. citizen but her mother remains not. If this bill had been law, that mother would have likely faced deportation. If that mother were deported, in all likelihood her baby

girl, a U.S. citizen, would have gone with her. In essence that baby girl, a U.S. citizen, would have been deported.

If this bill had been law when this mother went into labor, there is also a good chance that she would not have sought care at all. I ask you, if a pregnant woman is afraid to seek out care to help herself and her baby who, when born, will become a U.S. citizen, who suffers? If a person with a communicable disease does not seek treatment, who suffers? A communicable disease does not ask whether you are a U.S. citizen or not. If a person with a chronic ailment does not seek treatment until the condition worsens, requiring emergency care and taking up a scarce bed in the ER, who suffers?

The reality is that this bill endangers the health of the undocumented, and this bill endangers the health of the documented as well. I would have thought that the sponsor of this bill would have learned from the ill-fated proposition 187 in his home State of California that led to scares and communicable disease outbreaks throughout the entire population, especially school children, because some people were denied care.

I urge my colleagues to vote ''no'' on this bill.

Ms. SOLIS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, this is not the way to deal with immigration problems. I rise in strong opposition to H.R. 3722. As a matter of fact, I am surprised at the gentleman from California. Does he not understand that this would transform our health care personnel into the border patrol? This bill will have a disastrous impact on emergency care and community hospitals throughout America.

Mr. Speaker, hospitals, doctors, nurses, and health care personnel are trained to be caregivers, not adjuncts of immigration law enforcement. Do our health care personnel not have enough to do already without imposing this huge reporting burden on an already overextended health care system?

Mr. Speaker, forcing health care personnel to start taking fingerprints and snapping pictures of patients suspected of being undocumented when perhaps they need a blood transfusion or something to save their lives will cause people who urgently need medical care to refrain from seeking such care because they fear that they may die trying to get service or they will be deported. We all know that in health care an ounce of prevention is worth a pound of cure. When any persons delay their access to health care, their medical condition is much worse.

I would urge a ''no'' vote on this bill. It is unsound public policy. I am ashamed of it. Do not do it.

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

In closing, I urge all my colleagues to join the hospitals, doctors, nurses, business owners, women's groups, children advocates, civil rights organizations, and, yes, the U.S. Chamber of Commerce to stand strongly against this bill. We cannot let this bill be the message to send to the American people about what the U.S. Congress thinks about the role of hospitals. We cannot let this bill be the message we send to the American people about what we think about immigrants, hard-working, tax-paying immigrants who come to this country for a better life, just as my parents did some 50 years ago. In fact, the average immigrant contributes about $1,800 more in taxes annually than he or she receives in any form of benefit, because they do not collect. We can do better than this bill. I urge my colleagues to vote against H.R. 3722.

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

□ 1545

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

Mr. Speaker, I would ask my colleagues to seriously consider this vote, and I would remind them that there are people all over the United States, especially their constituents, who are looking at this vote as a determinant as to whether or not we believe that illegal immigration is something that should remain uncontrolled and should continue in the years ahead, or whether we should start doing something about it.

There is a seething among the American people, among the working class and middle-class people. They know that illegal immigration has had a horrible impact on their lives. It has brought down wages. We actually had a policy that permitted unlimited illegal immigration into our country, and because of that, working class people do not make as much money as they did before.

Now we have a situation where illegal immigrants who go for emergency treatment, we are being told that we have to give them unrestricted and unlimited treatment, health treatment, and it is going to be paid for by the Federal Government. But that is not true of U.S. citizens. What about those middle-class, working-class people? They are out of work; they do not have insurance.

In this situation today, we have created the perverse priority that our government is reimbursing hospitals and helping illegals, but we will not do it for our own citizens.

We have a horrible problem in this country with illegal immigration. It is hurting many people's lives. Yes, rich corporations in the Chamber of Commerce, they get to hire people who are not even paying taxes half the time. They do not have to provide health insurance anymore because there are all these illegals willing to work anyway. That is very damaging to the American people.

Also we are spending billions of dollars here already on cancer treatments, organ transplants and genetic problems. We are spending about $10 billion on this every year.

This legislation says the only free treatment that somebody gets at an emergency center, illegal or not illegal, is if their life is under a threatening situation. I think even that is very generous of us in the United States. Interestingly enough, if someone goes through the process of being a legal immigrant, they do not get their health care covered, they do not get it reimbursed by the Federal Government.

Mr. Speaker, unless H.R. 3722 passes, we have set up the priority of helping illegal immigrants. Do not think that will not attract tens of millions more illegal immigrants to this country who have diseases that need to be treated. That makes sense. Think about it. This is common sense.

The American people are waiting to see whether or not we are going to use our scarce health dollars to take care of our senior citizens, to take care of our own people, to take care of our own little kids, or whether we are going to attract tens of millions of new people here and give that money away to strangers.

This is not mean-spirited. This is down-in-your-heart. We love everyone in this country. We have a diverse country, every race and religion. It is that love for each other that keeps us together. We have to care more about our own people, and that is not mean spirited, than we do about people that come here illegally.

Mr. Speaker, I would ask my friends and colleagues to support H.R. 3722.

Mr. BACA. Mr. Speaker, I rise in strong opposition to H.R. 3722, the Undocumented Alien Medical Assistance Amendments of 2004.

The Medicare Prescription Drug Act that this Congress passed last year includes $1 billion to reimburse hospitals for their uncompensated care of undocumented immigrants. We included that funding because we recognized the strain hospitals experience in providing uncompensated emergency medical care to the uninsured. H.R. 3722 undoes this goodwill by requiring hospitals to enforce immigration law, refuse emergency medical treatment to immigrants, and have them deported.

Many American citizen and immigrant families who are living, working and paying taxes in the United States are unable to obtain health care coverage for themselves or their families. At a time when health care has become a national crisis due to the large number of uninsured, we need to take steps to heal more, not less.

Undocumented immigrants are not covered by employer health care plans, and they are systemically excluded from public health insurance programs such as Medicaid and SCHIP. We cannot encourage immigrants to refuse to seek medical care due to fear of deportation. It makes no sense. Do we want outbreaks of tuberculosis and other diseases and epidemics common in the developing world right here in America? That is likely to happen if immigrants are refused emergency medical care. This is why hospitals nationwide, the

American Medical Association, and physicians of all types are urging this Congress to reject this attempt to inject an anti-immigrant agenda into the field of medicine. Besides public health, H.R. 3722 fails on a number of fronts.

For instance, it would force hospitals to choose which law they will violate—the one that requires them to provide medical assistance to anyone that requires it, or H.R. 3722 and its requirement that we even deport women while in labor.

The Emergency Medical Treatment and Active Labor Act requires that any patient, without regard to race, sex, creed, immigration status, or ability to pay, be given appropriate emergency care to stabilize his or her condition. This law is consistent with the Hipprocratic Oath, and is meant to ensure that no person in our country will be denied emergency medical care.

I cannot support legislation that could punish employers that unknowingly hire immigrants with fraudulent green cards by forcing them to pay the medical bills. There is no precedent for holding employers liable for injuries and illnesses that are not work-related. Also, I fear that employers will discourage their employees from seeking treatment for any illness.

Are we prepared to possibly read stories of immigrant laborers found injured or dead on sidewalks? It is not difficult to imagine immigrants being left behind by fearful employers trying to avoid the scrutiny of federal immigration enforcement officials.

Mr. Speaker, H.R. 3722 is a Pandora's box that our Nation cannot open. H.R. 3722 will endanger the health of everyone in America. It will force doctors to violate their oaths and the law, require hospitals to enforce immigration law, and it will encourage employers to force their immigrant laborers to never seek medical treatment.

I urge my colleagues to please oppose this misguided proposal.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments Act. This draconian bill would convert our nation's hospitals from health care providers to border patrol officers.

If enacted, it would seriously endanger the health and lives of immigrants who need emergency care—and jeopardize our nation's entire public health system in the process. This bill would deny critical federal reimbursement to hospitals for the emergency care of undocumented immigrants unless the hospital determined patients' immigration status and obtained employer information for transmission to the Department of Homeland Security for purposes of beginning deportation procedures for undocumented workers.

Today, the House Republicans are proving that President George Bush's promise to reform America's immigration system is not real and is nothing more than an election year ploy to gain votes from immigrants. If President Bush were concerned about the well-being of immigrants, he would publicly denounce this bill and would have made clear to the House Republican leadership that it did not deserve to see the light of day. He's done no such thing.

This bill also clearly demonstrates the Republican Leadership's willingness to sacrifice the health needs and safety of America's immigrants to ensure their large donors—the pharmaceutical companies and health insurance industry—get their billions of dollars in subsidies from the Medicare bill. HR 3722 is on the floor today because of a commitment the House Republican leadership made to the bill's author in exchange for his vote for the Republican Medicare bill when it narrowly passed the House last November. Its yet another example of the dirty dealing it took to get their Medicare bill through Congress.

If enacted, this policy would create a chilling effect in which both documented and undocumented workers would fear coming into hospitals for critical medical services. The result would be immigrants suffering from more serious health complications and eventually leading to the unnecessary deaths of many immigrants.

This bill would also threaten the public health of this nation. Since this bill would surely drive a significant proportion of this country's population away from seeking needed medical care, it would undermine our public health system's ability to track and prevent the spread of contagious disease. Clearly, such a change would impact health care beyond the immigrant community.

Instead of limiting health care, this Congress should be finding ways to expand health care to the 44 million Americans without health insurance. This bill would take us in the exact opposite direction. I urge my colleagues to vote against this bill and to protect our hospitals' abilities to continue to provide medical care to those who need it. To do otherwise is to endanger the health of us all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004.'' This bill would amend Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 MMA. The purpose of Section 1011 of the MMA is to provide funds for reimbursing physicians and hospitals for treating undocumented individuals who cannot afford to pay their medical bills. H.R. 3722 would impose conditions on the Federal reimbursement of emergency health services furnished to these individuals, and it would require physicians and other health care providers to report the undocumented patients to the Department of Homeland Security so that they could be deported.

H.R. 3722 would require physicians and other health care providers to be part time border patrol agents. According to the American Medical Association AMA, by requiring physicians to report patients and perhaps withhold necessary care, this bill would in effect require physicians to violate their Hippocratic Oath. The AMA also has expressed concern over the fact that by discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, H.R. 3722 could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would preclude undocumented immigrants from seeking care for communicable diseases until they are extremely ill.

It is important to remember that community hospitals must provide care to anyone who walks through their doors, regardless of race, ethnicity or citizenship status, and they must do this twenty-four hours each day, seven days a week. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require the hospitals also to demand and upload personal data. This would include the uploading of fingerprints and digital photographs for undocumented aliens to an electronic database set up by the Department of Homeland Security DHS for deportation purposes. Furthermore, the bill would require hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overburdened system.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

More than 200 organizations are opposed to this bill, including the American Hospital Association, Federation of American Hospitals, National Association of Children's Hospitals, National Association of Public Hospitals and Health Systems, Catholic Health Association, Association of American Medical Colleges, National Immigration Forum, National Immigration Law Center, Leadership Conference on Civil Rights, National Council of La Raza, League of United Latin American Citizens, MALDEF, National Asian Pacific American Legal Consortium, Asian and Pacific Islander American Health Forum, Families USA, AFL-CIO and Catholic Charities.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act EMTALA obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard for immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004.''

Mr. ISSA. Mr. Speaker, I rise today to oppose H.R. 3722, the ''Undocumented Alien Emergency Medical Assistance Amendments of 2004.''

I commend the gentleman from California for his intent in introducing this legislation. It

attempts to address legitimate concerns that exist about widespread illegal immigration and the cost of providing services to those aliens. This legislation requires hospital emergency rooms to collect citizenship, immigration status, financial data, and employer information from aliens seeking emergency care and transmit that information to the Department of Homeland Security in order to receive reimbursement for services. H.R. 3722 also requires an employer who knowingly employs an illegal alien to pay the cost of providing emergency care to the alien. As a representative of the same state as the gentleman from California, I understand the factors that led to him draft this legislation.

However, I am disturbed that this legislation has come to the floor of the House without proper consideration, that it has not been fully vetted through the Committee process. I am a member of the committee of jurisdiction, the Committee on Energy and Commerce, and this legislation has not had a hearing or a mark up before our committee. Before we make a change in the law, before we enact legislation that will impact the operation of every emergency room in America, I think we ought to have a thorough debate on the issue, hear from the doctors and hospital administrators and others who will be impacted by this legislation, and who will bear the burden of implementation.

I am opposing this legislation today, with the hopes that the gentleman will continue to pursue solutions to a serious problem, and that we would have an opportunity to hold hearings on this issue in the committees of jurisdiction and address it through the normal committee process. This will give us the opportunity to perfect legislation in order to make it fair and practical for hospital emergency rooms and the patients they serve.

I thank you for the opportunity to speak, applaud the good intentions of the gentleman from California, and respectfully urge my colleagues to vote ''no'' on this bill at this time.

Mr. FILNER. Mr. Speaker, our Nation is not healthy unless everyone is. I rise in strong opposition to the Undocumented Alien Emergency Medical Assistance Amendments.

It is true that hospitals in San Diego, Imperial County and throughout the border region need Federal assistance to pay for the uncompensated care they provide. Instead of debating H.R. 3722, however, I would prefer to debate and vote on my Pay Up! Act, H.R. 2848, aimed at offering full Federal reimbursement to hospitals for the service they provide to undocumented patents. My bill would not force nurses and doctors and other medical professionals to suddenly become de facto immigration officials.

Unfortunately, the dangerous legislation that we are considering today would do exactly that: it would deny Federal reimbursement to emergency health service providers unless they agree to also serve as immigration agents.

As California's Border Congressman, I can tell you this legislation would be a disaster for border communities. It would put an extra burden on our already overworked health care professionals, as they scramble to find the resources to collect and process patients' immigration information, biometric identifiers and financial data. This legislation will lead to fear and confusion among both documented and undocumented immigrant families, discouraging them from getting necessary medical attention for children, pregnant women, the elderly and others. In fact, this legislation could put everyone's health at risk. The University of California at San Diego Medical Center has warned that this bill ''could undermine public health by deterring those with contagious diseases from seeking care.''

This bill puts the lives of immigrants at risk. It puts our health care services at risk. It puts our public health at risk.

On behalf of California's border communities, I urge my colleagues to not force doctors to spend their time figuring out which patients are in good standing with our complex immigration laws. I urge my colleagues to not force immigrant families to skip treatment for life-threatening medical problems because they fear deportation. I urge my colleagues to vote ''no'' on the Undocumented Alien Emergency Medical Assistance Amendments.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Undocumented Alien Emergency Medical Assistance Amendments of 2004, H.R. 3722, because it will place a new burden on already struggling emergency health care systems nationwide and will deter immigrants and their family members from seeking much needed health services.

It is interesting to note that this month, at medical school graduations nationwide, a new community of physicians were called upon to take the Hippocratic Oath, which remains a sacredly held principle to the medical community today. Unfortunately H.R. 3722 would allow hospitals which receive federal funding to decide whether or not they would like to make emergency medical services available to certain immigrants, even if they are suffering from an emergency medical condition. This is a right that hospitals and other health care organizations do not want, as evidenced by the strong opposition of the American Hospital Association, the American Medical Association and countless other public health organizations. This seems to be in direct conflict of the Hippocratic Oath and will deny basic medical services to some of the most vulnerable of our society.

In Northern Virginia, which encompasses my congressional district, the INOVA Health System serves nearly 400,000 residents a year and has about 240,000 visitors to its emergency rooms alone. The emergency room personnel at INOVA hospitals are some of the same nurses and doctors who serve as our First Responders and were certainly heroic on September 11th in aiding the victims of the Pentagon attack.

Proponents of H.R. 3722 claim that this measure will help to lower the cost of health care in our country, but in reality, will do little to alleviate the growing cost of health care needs and will force hospitals to expand staff and technological resources to implement the reporting requirements such as obtaining signed statements relating to citizenship, immigration status, address, financial data and current employee status as well as purchase a digital electronic biometric identifier.

I am greatly disappointed that the House Republican Leadership would bring to the floor for a vote, a measure which strives to deny even basic health services to some of the most vulnerable in our society, while our military is working hard to establish health services for citizens in some of the most war-torn and poverty-ridden countries in the world. H.R. 3722 will do little to address the important issue of rising health care costs and its intent seems to have been influenced more by political considerations than sound policy. I urge all my colleagues from both sides of the aisle to vote against the Undocumented Alien Emergency Medical Assistance Amendments of 2004.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to H.R. 3722 because this bill places an undue burden on our hospitals to be the judge and law enforcement officer for our country's immigration policies. I agree with the sponsor of this legislation that we need to stop illegal immigration but we need to do that by giving immigration officers more resources to find, detain, and deport illegal immigrants. We need to redouble our efforts on our borders and aggressively prevent illegal immigration, but should not shift the responsibility of enforcing our immigration policy onto our health care professionals.

The problem with this bill is that it targets the reimbursement of hospitals that provide care to injured or sick undocumented aliens. This legislation withholds reimbursements from hospitals that do not collect and share a person's immigration status, their citizenship, address, employment information, personal and financial data, health insurance information, and electronic version of their fingerprints that meet DHS standards. If they do not comply they do not get reimbursed. This means hospital personnel will have to spend time collecting information as opposed to treating the sick. More importantly, this places the burden on doctors to choose between treating a person and looking out for the financial security of the hospital. This is not a choice that a doctor should be forced to make.

Many businesses do their due diligence in determining and screening workers but they do not have all the resources to fully verify immigration status. This legislation forces those businesses to reimburse hospitals for care if the company unknowingly employs a worker without full immigration documentation or offer health insurance to all of their workers. We should not punish businesses that have tried and do not have the resources to verify the immigration status of their workers. We also cannot require businesses to provide health insurance. That is a business decision and should be left to them. Government should not be forcing the hand of business.

This legislation is opposed by the American Hospital Association, the American Medical Association, the U.S. Chamber of Commerce and the National Association for Manufacturing because this legislation does not address the real issue.

This legislation penalizes hospitals and businesses and is not a way to stop illegal immigration. This is a law enforcement problem not a medical problem. We need to step up our efforts to reduce illegal immigration by increasing our resources in the law enforcement community.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 3722.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Ms. SOLIS. 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONDEMNING GOVERNMENT OF REPUBLIC OF SUDAN FOR ATTACKS AGAINST INNOCENT CIVILIANS IN IMPOVERISHED DARFUR REGION

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 403) condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, as amended.

The Clerk read as follows:

H. CON. RES. 403

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas Sudanese Government forces and government supported militia forces have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably ''the world's worst humanitarian catastrophe'', and in April 2004 reported to the United Nations Security Council that in Darfur, ''a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing' '';

Whereas, on February 17, 2004, Amnesty International reported that it ''continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia'';

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that ''aid workers are unable to reach the vast majority [of the displaced]'';

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of ''catastrophic mortality rates'';

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement;

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year; and

Whereas the United States delegation to the 60th Session of the United Nations Commission on Human Rights sponsored a resolution condemning the Government of Sudan for grave violations of human rights and humanitarian law occurring in the Darfur region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) urges the Government of Sudan to immediately disarm and disband government supported militia groups;

(3) urges the Government of Sudan and all parties to honor commitments made in the cease-fire agreement of April 8, 2004;

(4) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(5) encourages the Administrator of the United States Agency for International Development to work with donors to immediately deliver humanitarian assistance to Darfur, including the delivery of food by air if necessary;

(6) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (3), including a plan to seek a Security Council resolution addressing the Darfur situation;

(7) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur;

(8) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan and government-supported militia groups in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are held accountable for their actions; and

(9) strongly urges the President to impose targeted sanctions, including a ban on travel to the United States and freezing of personal assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in the Darfur region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

GENERAL LEAVE

Mr. GREEN of Wisconsin. 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. Con. Res. 403, as amended.

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

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. WOLF) for bringing House Concurrent Resolution 403, condemning the Government of Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, before us today.

The crisis in Darfur has been described as one of the worst humanitarian catastrophes on the planet. Nearly 1 million people have been displaced, and anywhere between 10,000 and 30,000 people have been killed. The United States Agency for International Development estimates that another 350,000 civilians could die in the next 9 months as a result of the unfolding humanitarian crisis.

Backed by the Sudanese Government, Arabic-speaking militias, collectively known as the Janjaweed, have murdered, raped and pillaged with impunity. Hundreds of villages have been burned to the ground, crops have been razed and vital irrigation systems have been destroyed.

It is feared that the situation will only get worse. The rainy season has now arrived, making transport of food aid more difficult and more costly. If the refugees cannot return to their homes to plant crops soon, they will be completely dependent on food aid for the next 18 months. Outrageously, the Sudanese Government continues to frustrate efforts to deliver humanitarian assistance to the region.

Following a Security Council briefing earlier this month, the acting U.N. High Commissioner for Human Rights summarized the situation in Darfur by stating: ''One, there is a reign of terror in this area. Two, there is a scorched earth policy. Three, there are repeated

war crimes and crimes against humanity. And four, this is taking place before our very eyes.''

Despite these facts and despite the best efforts by the administration, Sudan was given nothing more than a half-hearted slap on the wrist during the recently concluded 60th session of the U.N. Commission on Human Rights.

Adding insult to injury, Sudan was then reelected to serve on the Commission for another 2 years. The irony of the election of Sudan, one of the worst violators of human rights on the planet, to serve on the U.N. Commission for Human Rights, that irony should not be lost on anyone.

House Concurrent Resolution 403 strongly condemns the attack against innocent civilians by the Government of Sudan and government-supported militia groups. The resolution calls on the Government of Sudan to grant full and unconditional humanitarian access to the region and urges the government to disarm and disband the Janjaweed forces.

H. Con. Res. 403 recognizes the efforts of the United States delegation to the 60th session of the U.N. Human Rights Commission to address the crisis in Darfur, and deplores the inaction of other members.

The resolution also urges the United States Government to take specific steps to aid the refugees and to hold accountable those in the Government of Sudan who are responsible for these atrocities. Included among those recommended measures are an asset freeze and a travel ban for those who are responsible for what the administration and the U.N. have described as ''ethnic cleansing.''

Mr. Speaker, the Committee on Conscience of the U.S. Holocaust Memorial Museum has issued a ''Genocide Alert'' for Darfur. This crisis is the direct result of actions taken by the Government of Sudan. It is incumbent upon the Congress to condemn these actions and to urge the administration to take steps to aid the victims and punish those responsible for the atrocities.

Mr. Speaker, this is a bipartisan resolution which has been given full consideration during a hearing and markup by the Committee on International Relations on May 6 of this year, and I urge Members' support.

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

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

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

Mr. Speaker, I first would like to commend my good friend and cochairman of the Congressional Human Rights Caucus, the gentleman from Virginia (Mr. WOLF), for introducing this critically important legislation. We are all deeply indebted to the gentleman from Virginia (Mr. WOLF) for speaking out for human rights in Sudan and, in fact, for human rights around the globe.

Mr. Speaker, just 2 weeks ago, we solemnly remembered the 10th anniversary of the Rwanda genocide, where the world stood by and allowed the slaughter of 1 million innocent people in 100 days. In the aftermath of that horror, the international community again pledged never again to stand by and allow an atrocity to emerge without taking preventive action.

Yet, as we speak, the Sudanese Government has mobilized its military forces and Arab militias, called the Janjaweed, to carry out a scorched earth policy of indiscriminate killing and the removal of non-Arab African civilians from their homes in Darfur in western Sudan. Both USAID and the United Nations have described these atrocities as ethnic cleansing, and the Committee on Conscience of our own Holocaust Memorial Museum has issued a genocide warning for Darfur.

Mr. Speaker, Khartoum and its brutal militias are systematically torturing, raping and killing thousands of innocent civilians, based solely on their identity. The Janjaweed, the Arab terrorists, have looted and burned villages and depopulated entire areas with impunity, in direct violation of international law.

We estimate that as many as 30,000 civilians may have been slaughtered and over 1 million driven off their land into unprotected camps for the internally displaced and refugee camps across the border in Chad. If we allow Khartoum to continue this mayhem, probably over 100,000 will die by the end of the year.

We cannot allow this to happen. Khartoum must be stopped. I am convinced, Mr. Speaker, that the only thing Bashir and his cronies understand and respond to is strength and the resolve of the international community, led by our own government.

Bashir and those responsible in his government, including his vice president, Ali Taha, are masters at manipulating the international community by holding hostage the prospects of humanitarian access in Darfur and the peace process in Kenya, while conducting a vicious campaign of terror against innocent civilians.

Khartoum has even treated with contempt our own government's efforts to bring humanitarian relief to the suffering people in Darfur by delaying visas to American disaster workers. Cynically and arrogantly, Khartoum stalls while innocent men, women and children suffer.

Mr. Speaker, in response to widespread global criticism, Bashir now has issued a presidential decree appointing a committee to investigate the egregious human rights violations carried out in Darfur by his own government and their Arab allies.

First, Khartoum deliberately designed a strategy to drive thousands of black Africans from their homes. In the process, Arab militias were directed to commit unspeakably horrible acts. Then, when the international community expresses outrage, the government that committed the crimes appoints a committee to investigate itself.

I find it ludicrous and absurd for us to continue to play along with Khartoum's game and to accept this blatant attempt to disavow knowledge of well-documented atrocities that Bashir and his people directed their armed forces and the Arab militias to commit.

Mr. Speaker, as we debate this resolution, Arab terrorists of the Janjaweed are killing men, kidnapping children, raping women and burning villages.

□ 1600

There must be an urgency about our work in addressing this crisis; and Darfur, therefore, must assume the highest priority.

I challenge President Bush's Secretary of State Colin Powell and Kofi Anan, the Secretary General of the United Nations, to exercise their leadership and to stop this nightmare from continuing. I also challenge the European Union and the African Union. Appallingly, African nations recently ensured Sudan a seat on the U.N. Human Rights Commission in spite of its attack on the people of Darfur, motivated exclusively by sickening racism.

Mr. Speaker, I call upon President Bush to withhold any normalization of relations with the Sudan. We must demand of Khartoum an immediate cessation of violence in Darfur and the disarming of Arab terrorists according to the cease fire agreement they signed. Khartoum must allow protective units and humanitarian agencies full and immediate access to Darfur.

Khartoum also must address the legitimate grievances of those living under the tyranny of this regime. The United Nations Human Rights Commission must convene immediately on this crisis to shed light on the atrocities and to galvanize international support for the victims of Darfur.

In conclusion, Mr. Speaker, we must do what is necessary to end this conflict in Sudan and to bring security to the long suffering people of Darfur. If Khartoum continues its intransigence, the President should consider target sanctions against those responsible for these atrocities and undertake extraordinary measures to get food, medicine, clothing, and shelter to those in desperate need. Our credibility and our reputation as a humane Nation depend on this. We do not have the luxury of failure.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa, who is a strong voice on this subject.

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

I would like to begin by seconding the remarks by the ranking member of

the Committee on International Relations, the gentleman from California (Mr. LANTOS). I believe, as he does, that the killing in western Sudan demands the world's attention. This resolution of which we are co-sponsors condemns Sudan's government for attacks against civilians in the Darfur region. As explained, the numbers here are very grim. Because the government's Scorched Earth policies have killed tens of thousands of people, have displaced as of today over one million human beings, many of them forced into neighboring Chad, hundreds of villages have been burned to the ground, those irrigation systems have been destroyed, and government-backed militias have committed widespread rapes; but beyond that, beyond that the victims of these rapes are often branded on the forehead, which is a rather unique proof of the intent of ethnic cleansing that is going on in these communities.

Denied access to this region by the government, I think we can only imagine the full extent of this relentless campaign which has the look of genocide against the people of Darfur. I believe the administration deserves credit for its sustained commitment to bringing peace to Sudan. Congress has backed its effort, including the Sudan Peace Act. The Subcommittee on Africa, which I chair, has closely followed negotiations between Khartoum and the SPLM.

But after several years, it is less and less likely that those negotiations will succeed. The administration's Sudan Peace Act, the report on that peace act of last month noted that, the bottom line, these talks had become stagnant. We need to keep in mind too that any agreement reached would face major challenges being implemented. Africa has seen many failed peace agreements. So Khartoum's true colors, I am afraid, are being shown in Darfur. At this point, for my part I would have little faith in any peace agreements it signs.

If we remain engaged in this peace process, though, Darfur must not be discounted. Darfur must be addressed. Last month, the Subcommittee on Africa held a hearing looking back on the Rwandan genocide. During the run-up to the killing of a million people, the United States and others were dulled to its warning signs because of the commitment to a doomed peace process. And I am afraid that that may be part of what we are witnessing here.

In Rwanda, like in Sudan today, the government denied its support for militias carrying out ethnic cleansing. It was very familiar to these, very close akin to this same circumstance we face here. Khartoum should know that peace agreement or not, there will be no normal relations with the United States as long as it is committing atrocities in Darfur. The administration brought Darfur to the world's attention at the United Nations Commission on Human Rights' annual session in Geneva. That its proposal to censure the Sudanese Government was widely rejected is yet more evidence that the commission is a very troubled institution. It also makes it harder to believe that other countries have much of a commitment to peace in Sudan.

Moving ahead, our assumption on Sudan that the international community will provide material support and be an honest broker if a peace agreement is signed should be rethought. I support this resolution; I urge its passage. And I would also like to commend the gentleman from Virginia (Mr. WOLF) for his dedication to this issue.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), my good friend and our distinguished colleague.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member of the Committee on International Relations for yielding me time and also for his strong and eloquent statement in support of this resolution.

Mr. Speaker, I rise in strong support of H. Con. Res. 403. This bill sounds the alarm once again on genocide in Sudan. Since 1983, more than 2 million black civilians died during the civil war in the south of Sudan. That struggle was especially brutal for the civilian population: slave raids resulting in the enslavement of women and children, gang rape, ethnic cleansing, and the imposition of famine conditions for hundreds of thousands.

The people of Sudan are facing the same catastrophic situation once again. Since early 2003, conflict between the forces of the government of the Republic of Sudan and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by Sudanese Government ground and air forces against innocent civilians and undefended villages in the region. This has led to the Sudanese Government forces engaging in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region.

The United Nations and other aid agencies trying to provide essential humanitarian assistance have been able to reach only 15 percent of the people in need, denying nearly 3 million people in need. More than 100,000 Sudanese have fled the region and are now refugees in neighboring Chad.

These acts are clear violations of the Genocide Convention and are grave crimes against humanity. We cannot sit back and do nothing. We must speak out and act against these actions. We cannot afford to repeat the mistakes of the genocide in Rwanda where more than 800,000 Rwandans died while we along with the world watched and did little or nothing.

Mr. Speaker, we need to act now. The more time wasted by doing nothing, the more Sudanese people in the Darfur region will suffer, die, and be displaced from their homes.

I commend the gentleman from Virginia (Mr. WOLF) for introducing this resolution. I urge my colleagues to support it.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as others have noted, we recently marked the anniversary of a terrible chapter in world history, the Rwandan genocide. The fact that we are here today speaking on Sudan really calls into question whether or not we have learned anything at all, whether the world has learned anything at all. These atrocities of which we speak are occurring now, before our eyes. There is no question; there is no doubt. We are all on notice. It was terrible enough that we did little then through the days of the Rwandan genocide. It will be all the worse if the world fails to act now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the resolution that is before us today on the suspension calendar concerning the current crisis in Sudan, South Africa. Our colleagues, Mr. WOLF and Mr. PAYNE, are to be commended for their leadership and efforts in drafting H. Con. Res. 403 and for their advocacy on the issues. Just as we have recently seen in Liberia and Haiti, we see in the Darfur region of Sudan—humanitarian priorities are being subordinated to political agendas.

What is most saddening and what inspires the most fear is the fact that this region is inflicting vulnerability upon itself in the wake of international terrorism. But then again, who needs a terrorist attack when your government is forcibly displacing and starving millions of its own civilians in the course of making political statements?

This situation has been described as "the worst humanitarian crisis in the world today" given the over one million people displaced since the fighting intensified in early 2003. I will cite the insightful words of my colleague from New Jersey, Mr. PAYNE when he addressed the House last Thursday on this issue:

> Mr. Speaker, it is important for us to remember that in 1994 the international community watched with utter indifference when 1 million Rwandanese were hacked to death in 100 days. The genocide in Darfur occurred while the international community was commemorating the 10th anniversary of the Rwandan genocide. We failed to learn from Rwanda, and we are likely to learn from Darfur. The similarities between the Rwandan genocide and Darfur are stunning. In Rwanda the former government of Rwanda and the Rwandan Patriotic Front rebels were negotiating while plans for genocide were underway.

The important thing to recognize in the words of this gentleman are that the "international community watched with utter indifference." H. Con. Res. 403 is but a beginning and a first step to the extent to which this nation and the nations of the international community must intervene in order to end the death, displacement, rape, and suffering.

Reuters, in an article dated April 19, 2004 noted that "international engagement with the

crisis has been slow and ineffective'' and that ''Western governments have appeared reluctant to press the Sudanese government to fulfill its obligations'' to international law, the principle of democracy, and to its own people.

Over 700,000 people have had to flee to urban centers in Darfur and there has been further displacement to various parts of Sudan, including Khartoum. Moreover, an additional 135,000 refugees have moved to Chad. Thousands of innocent civilians have died due to the violence, and many more are dying and will die due to conflict-related diseases. This situation is exacerbated when the government openly restricts relief efforts and when it allows supplies to be looted after distribution.

With respect to international law, the parties to this internal armed conflict have violated Common Article 3 of the 1949 Geneva Convention which prohibits attacks on civilians. The government of Sudan is bound by its own laws and international law to prosecute any party to the conflict guilty of committing abuses. Moreover, the government is responsible for proxy forces under its control.

The United States and members of the international community must intervene and at the very least, inflict pressure upon the Sudanese government to mitigate the violations of law. Allegations have been described as: ethnic cleansing, crimes against humanity, and genocide. In the case of armed conflict relative to international law, Sudan has failed in the following areas:

Distinction—the duty to distinguish between military and civilian targets;

Precaution—the duty to minimize incidental injury to civilians and damage to civilian property; and

Proportionality—any injury or damage must be proportionate to the concrete and direct military advantage anticipated.

Furthermore, Common Article 3 of the 1949 Geneva Convention squarely apply to this situation. Under the provisions of Article 3, basic civilian safeguards in civil conflicts must be provided.

Non-derogable provisions of the International Covenant on Civil and Political Rights of 1966 apply, i.e., the right to life.

Mr. Speaker, H. Con. Res. 403 articulates the fact that we recognize the wrongdoings that have been perpetrated by the Sudanese government. Our next step must be to commit to acting to and garnering support to applying pressure on the parties in the conflict to respect humanitarian and human rights law. They must be compelled, under rule of law, to protect civilians and to allow humanitarian aid to flow to those who are in dire need. This chaotic situation and lawlessness must end at once. I support this legislation, urge my colleagues to join me in so supporting, and move this Administration to take the next step in working to stop the violence and installing peace and the rule of law.

Mr. BACHUS. Mr. Speaker, I rise in support of H. Con. Res. 403. As one of the architects of the Sudan Peace Act signed by President Bush in October 2002, I am completely dismayed at the continuation and the possible repeat of another civil war in Sudan. Previously, countless Christians have been killed or starved to death simply because of their ethnicity and religious beliefs. Now in Dafur in the West, an area roughly the size of France, unlike the situation in the South, this is not Christian versus Muslims. It is genocide of black Africans by the Arabic government and Jangaweed (nomadic Arab tribesmen).

Today, the current humanitarian crisis in Sudan is considered one of the worst in decades. According to the World Food Program (WFP), the Sudanese, ''are facing serious food and water shortages due to the combined disruptions of civil war and drought.'' In the West, hundreds of thousands of malnourished villagers, having been burned out of their homes in a systematic campaign of terror, are starving to death.

Foreign correspondents from major newspapers have reported at least 700,000 Dafur residents are living in camps or have fled to villages to stay with families or friends. Women, girls, students, and teachers are systematically beaten and gang-raped. One villager, as quoted this week in a London newspaper, gave this simple explanation, ''We got harassed on a daily basis by people in uniform.'' Furthermore he said, ''they (Jangaweed) used to be herders, we know who they are, but the government had guns and uniforms and told them to hurt the blacks.'' Despite millions of dollars of humanitarian aid from the United States, the Sudanese, particularly the black Africans in Dafur, continue to suffer.

The conflict between the government of Khartoum/Jangaweed and the black Africans in Dafur must be stopped. While I am pleased with the announcement that the State Department will be sending American aid experts to inspect the humanitarian needs, what we really need to be done is for the Administration to stop this genocide and begin negotiations as soon as possible to end this long-standing humanitarian crisis.

Mr. WOLF. Mr. Speaker, I commend the House, Chairman HYDE and International Relations Committee for bringing H. Con. Res. 403 to the floor quickly and I urge a unanimous vote for this important resolution.

The conflict in Sudan began early last year when the Government of Sudan began arming the Janjaweed militia to suppress local rebel groups. The Janjaweed, with the support of government troops began their reign of terror on the people of Darfur.

The result—ethnic cleansing and the death of thousands of innocent civilians. One million people are now displaced. Village after village attacked, looted and burned. The survivors bear scars of mutilation and rape. Schools filled with students have been attacked and the girls raped.

Thousands of survivors walk days, weeks and sometimes months in the unrelenting sun to seek safety in Chad. They are pursued by Janjaweed and often bombed as they languish on the border.

Hundreds of thousands of civilians are trapped in camps inside Darfur. Surrounded by militia and unable to leave to seek water or firewood. Families are forced to make life or death decisions on which family member will go to gather food and risk certain death.

People are living on top of each other in crowed camps. Disease and malnutrition are rampant. USAID now estimates that by fall the world will see catastrophic mortality rates from disease and starvation.

The world has finally found its voice as reports are trickling out describing the reality of Darfur. The headlines in major U.S. newspapers have read like a horror film:

''Sudan militiamen on horses uproot a million'';

''Sudan's hellish humanitarian crisis'';

''Sudan's Darfur is calm because there are no more villages to burn''.

''Sudan starving Darfur refuges''

I would like to read an excerpt from the May 15 Economist:

> Her story is typical. . . . An air raid caught her unawares: as bombs fell, she ran around in confusion. When the bombers had completed their return pass, the horizon filled with dust, the ground shuddered, and a host of mounted militiamen charged through the village, killing all the young men they could find . . . her 18-month baby . . . killed by shrapnel.
>
> Two weeks later her oldest son, 15, was made to kneel in line with other young men before being shot in the back of the head. Her husband disappeared the same day.

But words are not enough. The international community has been reluctant to act.

Secretary General Kofi Annan should go to Darfur and stand with the persecuted.

I introduced this resolution so Members of Congress would have the opportunity to voice their support for the innocent people in Darfur.

This resolution strongly condemns the Government of Sudan and government-supported militia groups for attacks against innocent civilians, in violation of the Geneva Convention.

The Government of Sudan should immediately disarm the militia, and allow full unconditional humanitarian access to Darfur. The civilians who are languishing in camps should be provided immediate protection.

Why is the world slow to respond when atrocities are taking place before our eyes?

The world has said never again over and over again, yet when it is put to the test and charged with protecting humanity it continues to fail.

Why has the international community become content with the slaughter of innocent human beings?

When will the death of innocent human beings be too much for the world to bear?

We need to be bold and willing to condemn and shame countries that commit atrocities against their own citizens.

It is our moral responsibility to protect humanity and not sit idly by in the face of horror. Those of us in public office have the unique responsibility and the power of our voices to confront evil.

The world is a safer place when the world sides with the opposed.

Today, let our voices be raised for the innocent people of Darfur.

Mr. Speaker, I submit for the RECORD the full Economist story. I urge every Member to read the graphic detail of Khartoums destruction of innocent lives.

[From the Economist, May 15, 2004]

FLEEING THE HORSEMEN WHO KILL FOR KHARTOUM

Her children's bodies were rotting in the village wells, where Arab militiamen had thrown them to poison the water supply. But Kaltuma Hasala Adan did not flee her home. Leaving her crops and livestock would condemn the rest of the family to death, she reasoned. So she stayed put for four months, despite her government's strenuous efforts to terrorize her into flight.

Her story is typical of western Sudan's black Africans. Her village was first attacked in January. An air raid caught her unawares: as the bombs fell, she ran around

in confusion. When the bombers had completed their return pass, the horizon filled with dust, the ground shuddered, and a host of mounted militiamen charged through the village, killing all the young men they could find. During that first attack, Kaltuma's 18-month baby, Ali, was killed by shrapnel. Two weeks later, her oldest son, Issa, 15, was made to kneel in line with other young men before being shot in the back of the head. Her husband disappeared the same day.

For four wretched months, Kaltuma lived with both ears strained for the faint drone of bombers, poised to dash with her three surviving children to a hiding place in a dry river bed. Then the janjaweed—an Arab militia that kills for the Sudanese government—rode up to finish the job. They razed her village entirely. She fled from the embers of her hut and trekked for four days through the desert. Across the border in Chad, she found sanctuary in the town of Tiné. Thousands of her neighbours were already there when she arrived.

The UN's humanitarian co-ordinator for Sudan, Mukesh Kapila, described what is going on in Darfur, an arid region of western Sudan, as ''the worst humanitarian crisis in the world''. Human Rights Watch, a lobby group, has accused Sudan's Arab-dominated government of crimes against humanity. The government is seeking to purge Darfur of black Africans, using methods as cruel as they are effective. Perhaps a million people have fled their homes. Officials deny ethnic cleansing, of course, but the refugees say they lie.

As Kaltuma tells her story, a crowd gathers to corroborate it. Osman Nurrudin Sadr says his whole family was killed. Khadija Yacob Abdallah, a pretty 17-year-old, watched her parents die and was then gang-raped. All the refugees offer the same explanation. ''They want to kill us because we are black,'' says one.

It is a little more complicated than that. Sudan, Africa's largest country, is the scene of two separate but related civil wars. One, between the north and south, pits the Arab, Islamist government against rebels who are mostly black African and non-Muslim. This war has been raging intermittently for half a century, but has come tantalizingly close to resolution in the past year: partly because of foreign pressure, especially from America, and partly because both sides, exhausted, wish to stop fighting and share Sudan's new-found oil wealth.

The other war, between the government and two rebel groups in Darfur, pits Muslim against Muslim. The divide in Darfur is ethnic, between Arabs and black Africans. This war flared up only last year. It was seen at first as a mere sideshow, but is now too vast and vile to be ignored.

CENTURIES OF SUFFERING

The south has been marginalized for centuries. Arab slavers used it as a hunting-ground for human booty, despite Anglo-Egyptian attempts to crush the trade in the 19th century. When independence came in 1956, southerners demanded autonomy. They were ignored, so they rebelled.

The war paused between 1972 and 1983, but then resumed. The government used scorched-earth tactics against the main rebel group, the Sudan People's Liberation Army (SPLA), bombing villages suspected of rebel sympathies, and arming and encouraging militias to kill and pillage in rebel-held areas. Slave raids continued, checked only by the absence of tarmac roads in the south.

Largely because it involved Muslims enslaving Christians, the war gripped the imagination of America's influential Christian lobby. In fact, only a minority of southern Sudanese are Christians; the rest are cheerfully polytheistic or animist. Nonetheless, America took an interest, which increased when the radical Islamist regime in Khartoum hosted Osama bin Laden in the early 1900s. In retaliation for al-Qaeda'a attacks on American embassies in Kenya and Tanzania in 1998, President Bill Clinton bombed a Sudanese factory he said was producing nerve gas, but which may have been making aspirin. The regime was already distancing itself from its international terrorist associates, a process swiftly accelerated by the American invasions of Afghanistan and Iraq.

Sudan's rulers rounded up terrorist suspects, shared intelligence and froze Mr. bin Laden's assets in Sudan, including a cannabis farm worked by child slaves who had apparently been brought from a Ugandan rebel group for one Kalashnikov each.

At the same time, the Sudanese government started to yield to American pressure to seek peace with the south. Negotiations have been tortuous, but Vice-President Ali Osman Taha keeps talking to John Garang, the SPLA leader. If the government shows bad faith, America threatens to choke it with sanctions and to bankroll the SPLA.

Since 2001 the two sides have hammered out a series of agreements that are supposed to culminate in a comprehensive peace. Last September they signed a security accord, mapping out how Khartoum will withdraw most of its troops from the south. This year has seen a written agreement on how to split the revenues from the oil that lies under Sudanese sand, and verbal agreements on power-sharing and the future of three contested areas. Some of these are on the northern side of the line (see map), but their inhabitants consider themselves southern.

For an interim period of six years, Sudan is to remain one country, with Omar al-Bashir, the current president, remaining in office, and with Mr. Garang, the rebel leader, as his deputy. Then there is to be a referendum in which southerners will be offered the choice of staying or seceding.

THE WEST BURNS

The trouble with this plan for a new Sudan is that it involves only the two main belligerents. Peaceful opposition groups have been left out. Since neither the government nor the SPLA is remotely democratic, many Sudanese seethe at the prospect of them divvying up the petrodollars. In Darfur, that rage has sparked mayhem.

Darfur has seen sporadic fighting for generations. As the desert has expanded, camel- and cattle-herding Arab nomads have bickered with black African farmers over dwindling supplies of water and pasture. Darfur's black tribes complain that, since the 1980s, they have been pushed out of government jobs in favor of Arabs. And the region has been flooded with weapons. Khartoum first armed the janjaweed so they could ride south and pillage SPLA territory. Arms from a long-running conflict between Chad and Libya seeped across the border into Darfur.

Last year, a new rebel group, the Sudan Liberation Army (SLA) appeared in Darfur and won a string of victories. Soon after, a second group sprang up, the Justice and Equality Movement (JEM). The government in Kartoum felt vulnerable. It was terrified that rebel successes in Darfur might inspire other marginalised groups in the north and east, especially since the SLA has links with a rebel group in the east.

The government struck back, not only against the rebels, but also against their ethnic kin. It unleashed the janjaweed. To swell the militia's ranks, Arab criminals were released from jail and given horses, $100 each and carte blanche to loot. (These ex-prisoners are labeled ta'ibeen, ''those who have repented''.)

The janjaweed have clattered into village after African village, torching the straw roofs of conical huts, killing young men who might join the rebels, raping women who might feed them, and stealing everything they can carry off. Sometimes they brand the hands of the women they rape, to make the stigma permanent. They have also torched dozens of mosques and torn up and defecated on copies of the Koran. Whatever inspires them, it is not Islam.

Their victims have no doubt that the janjaweed enjoy the state's blessing. When asked what gives them the right to stop blacks at road blocks, the militiamen reply: ''We are the government.'' When pillaging, they are often supported by the air force and by the regular army. ''First the planes come, then the janjaweed and finally government soldiers,'' says a refugee. ''They are brothers united on a mission to kill.''

It was a long time before the outside world took notice. At first, both America and the UN hesitated to make a fuss about Darfur for fear of derailing the north-south peace process. But in March, the UN's man on the spot started making comparisons with the Rwandan genocide of 1994. That was an exaggeration, but it prompted Washington to lean on Khartoum to end the ethnic cleansing. A ceasefire followed on April 8th, supposedly to help aid workers do their job, but was quickly broken.

Fighting and pillage continue, making it hard to feed the displaced. The UN does not want to get too close to the border—the janjaweed do not respect international boundaries—so it has moved 35,000 refugees deep into Chad. Tens of thousands remain stranded near the border. Those unfortunate enough to wind up in camps in Darfur have been deliberately starved by the janjaweed, according to the UN.

Brave charities such as Médecins Sans Frontières have ignored the occasional air raid to dole out medical supplies, feed the hungriest and vaccinate against a meningitis outbreak. Most refugees in Chad have depended on food and water from the locals who, though poor, are startlingly generous. Supplies are running out, however, and the UN mission is short of cash.

The rainy season is almost here, when the valleys will fill with water and it will be impossible to get the refugees into the half-empty camps that await them. UN lorries lie stranded because there is no money for fuel and the drivers, unpaid for six weeks, have gone on strike.

Over 10,000 newly arrived refugees around Bahai, north of Tiné, have been dismissed as ''combatants''—though most are women, children or old men. For the UN, admitting that they are refugees would mean being obligated to look after them. ''I'm trying to think of something the UN has done right here, but I'm struggling,'' says one aid worker with a sigh.

SPEARS AND PLOUGHSHARES

There is more to cheer about in southern Sudan. After years of enduring the same abuses now being lavished on Darfur, the south is relatively calm. In Rumbek, the largest town under SPLA control, where abandoned armoured cars rust outside buildings gutted by shelling, hardly any shrapnel has flown for two years.

Half-forgotten tribal traditions are being rediscovered. On a dusty football pitch known as Freedom Square, thousands of young Dinka men, coated with ash and clad in glamorous calfskin skirts, gather to elect a sub-chief. Not long ago such affairs were subdued, forced indoors by the fear of aerial bombardment. Now they are gleefully raucous.

War has left the south shattered. Most of the young warriors queuing behind their chosen candidates have known nothing else. There is no electricity or running water in the south, an area the size of France and Germany combined, and precious few schools, either. Southern children used to join either the rebels or government-backed militias. They grew up knowing how to march long distances on empty stomachs, but not how to read.

Peace, if it lasts, will offer southerners a chance to grow less poor. In one village, your correspondent saw a group of SPLA soldiers melting bullets to fashion spearheads for hunting gazelles. The same men were baffled, however, by a consignment of ploughshares, kindly donated by a western aid agency. Unsure what these strange objects were for, they beat them down to make stools.

Elsewhere, workers can be seen hacking through thorny scrub. They are clearing a path for a road, heading for a large rock in the wilderness known as Ramciel, or ''the place where the rhinos meet''. More accurately, it should be ''where rhinos used to meet'', as they were poached out of existence some time ago. It is here that the SPLA is thinking of building the south's principal city. Charles Deng, the assistant foreman, has big dreams for the place. ''First we will finish the road,'' he says. ''Then we will build skyscrapers and ponds, better than London or maybe even as good as Nairobi.''

Not everyone welcomes progress. An SPLA commander in nearby Yirol murmured into his beer that he hoped the capital would be built elsewhere. ''If they build it here then they will also build schools and our girls will be sent to those schools,'' he said. ''You know what the means? Their bride price will fall. My daughters will be worthless to me.''

THE END OF THE WAR, OR OF SUDAN?

A formal deal ending the war is expected in the next few weeks, possibly sooner. Since President George Bush is widely seen as the architect of peace, he is perhaps more popular in southern Sudan than anywhere else on earth. At the Rumbek sub-chief's election one young warrior called Thuapon leaps frenetically in the air, proudly waving a white Barbie-doll in a pink dress. ''This is a new wife for President Bush. May God grant him many fertile women with firm bodies and an election victory without problems in Florida.''

The main outstanding issue concerns the religious status of Khartoum. The government wants it to remain under sharia (Islamic law); the SPLA does not. Some fudge is surely possible. Observers are confident that a deal will be signed. ''If Khartoum were to renege at this point, it would signal that this whole process was a charade from the beginning,'' says John Prendergast of the International Crisis Group, a campaigning think-tank.

The difficulty will lie in how the deal is implemented. Unsurprisingly, southerners do not trust the government. ''They just want time to re-arm,'' says James Thucdong, an aspiring teacher in Rumbek. ''We know this is just a peace of one or two years. They will never let us become independent.'' Mr. Thucdong could well be right. There is no provision yet for what will happen to revenues from Sudan's oilfields, which lie mostly in the south, should voters choose secession.

The two sides are unwilling to discuss this issue, but Khartoum would presumably never let the south go if that meant losing the petrodollars, too. ''When preparations begin for the independence referendum, we are going to see major meddling by elements in Khartoum, aimed at creating chaos in the south and delaying [the] plebiscite,'' predicts Mr. Prendergast.

Another worry is that southerners are squabblesome. During the war, they spent as much time fighting each other as the government. Mr. Garang may still be the south's key leader, but his support for a united Sudan will irk secessionists, who are probably a majority in the south. Other ethnic groups resent the politically dominant Dinka people, and even the Dinka are divided.

Once a peace deal is signed, many of the 4m southerners living in squatter camps around the main cities of the north will probably decide to pick their way through minefields and make the long journey home. Tension over scarce natural resources seems likely. As if to confound the optimists, there has been a serious outbreak of fighting in the ancient Shilluk kingdom since March. At least 70,000 people have been driven from their homes after battles between militias loyal to Khartoum and the SPLA. As usual in Sudan, most of the casualties were civilians.

MANY VOICES, MANY FEARS

In Khartoum, the mood is apprehensive. The political elite is genuinely alarmed at what capitulation to southern demands might encourage. Says Ghazi Attabani, a former presidential adviser: ''If the south were to secede, it would be catastrophic both for Sudan and for Africa. Secession would not be peaceful. Internal differences in the south would cause rifts which would make Rwanda seem like a picnic.''

Because of stringent censorship and the physical difficulty of visiting Sudan's more troubled areas, ordinary northerners have only a rough idea of what is going on in their own country. Some are optimistic. ''Of course the people can live together,'' says Ahmed Omar Othman, a shopkeeper. ''Just look around Khartoum, we do already. Here, you will find a church next to a mosque—surely that [proves it]? The real problem is whether the politicians can work together.''

The record of Sudanese politicians in this are is not good. Their preferred technique for holding this huge and multifarious country together—barbaric force—has been shown not to work. In Darfur, as Mr. Attabani admits, ''There is no military solution.'' Arming gangsters such as the Janjaweek is easy; reining them in again may prove much harder. Says Sharif Harir, chief negotiator for the SLA rebels: ''Even if Khartoum had the will to stop them, it probably doesnt' have the power.''

Mr. OLVER. Mr. Speaker, I rise today in support of H. Con. Res. 403.

Sudan, geographically the largest country in Africa, has been ravaged by civil war for four decades. An estimated two million people have died over the past two decades due to war-related causes and famine, and millions have been displaced from their homes. According to the United Nations, an estimated three million people are in need of emergency food aid. Recently, violence has escalated in the Darfur region of the Western Sudan, where government-sponsored militias have been ruthlessly targeting various ethnic groups. Approximately one million civilians have been forced to flee their homes and are now either internally displaced or seeking refuge in neighboring Chad.

Sudanese government forces have overseen and directly participated in massacres, summary executions of civilians, burning of towns and villages, and the forcible depopulation of wide swathes of land long inhabited by the Fur, Masalit and Zaghawa ethnic groups.

For months, the Sudanese government has restricted international media access to Darfur and has limited reporting about the conflict in the national press. Recently, the government has allowed minimal access to the region for international humanitarian agencies but has still failed to provide the necessary protection and assistance to prevent a full-blown humanitarian crisis.

There can be no doubt about the Sudanese government's culpability in crimes against humanity in Darfur. With this resolution, Congress demands that the Sudanese government take immediate steps to reverse ethnic cleansing in Darfur before the situation there worsens and engulfs the entire region in conflict.

The gentleman from Virginia, Mr. WOLF, should be commended for keeping the events in Sudan on Congress' agenda and I urge Members to support his resolution.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 403, as amended.

The question was taken.

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

Mr. LANTOS. 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.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENT ACT

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be permitted to file a supplemental report to accompany H.R. 2432, the Paperwork and Regulatory Improvement Act.

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

There was no objection.

OSCAR SCOTT WOODY POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3740) to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

The Clerk read as follows:

H.R. 3740

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

SECTION 1. OSCAR SCOTT WOODY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 223

South Main Street in Roxboro, North Carolina, shall be known and designated as the ''Oscar Scott Woody Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Oscar Scott Woody Post Office Building.

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

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

GENERAL LEAVE

Mr. MURPHY. 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. 3740.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, the House committee that has oversight responsibilities to the U.S. Postal Service, I am pleased to rise in support of H.R. 3740. This post office designation act honors Oscar Scott Woody, one of the postal service's little known heroes.

This legislation has been co-sponsored by the entire North Carolina congressional delegation.

Mr. Speaker, Oscar Scott Woody was among the 1,522 victims of the Titanic sinking in the early morning hours of April 15, 1912. Woody was a clerk of the U.S. Post Office Department, who lived in Clifton Springs, Virginia. He worked 15 years as a railroad mail clerk before joining the Postal Sea Service in 1910. Two years later, Woody was selected as one of five postal clerks to serve aboard the grand Titanic during its heavily anticipated maiden voyage.

While his invitation aboard the Titanic's ill-fated journey was professional in nature, he found time to celebrate his 44th birthday with his postal clerk colleagues on the night of April 14, 1912. That night, when the ship infamously crashed into an iceberg in the North Atlantic Ocean, Woody fled his party to salvage as much of the ship's mail as he could. Survivors of the Titanic's sinking reportedly last saw him desperately bagging up the mail in the ship's flooding post office.

Mr. Speaker, Oscar Scott Woody was born April 15, 1868 in Roxboro, North Carolina. I support this measure that names a post office after him in his hometown.

□ 1615

I want to recognize my esteemed colleague from North Carolina (Mr. MILLER) for his work on H.R. 3740.

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

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3740, legislation naming a postal facility in Roxboro, North Carolina, after Oscar Scott Woody. This measure, which was introduced by the gentleman from North Carolina (Mr. MILLER) on January 28, 2004, and unanimously reported by our committee on May 6, 2004, enjoys the support and cosponsorship of the North Carolina delegation.

Oscar Scott Woody was born on April 18, 1868, and lived in Fairfax County, Virginia. For 15 years, Mr. Woody worked as a railroad mail postal clerk, working the train route between Washington, D.C., and Greensboro, North Carolina.

In 1910, he was selected to serve with the Postal Sea Service. Two years later, Oscar was on the Titanic, serving with four other postal clerks.

According to news reports, Oscar Scott Woody was celebrating his 44th birthday aboard the great ship, the Titanic, when it began to sink. Survivors reported seeing Oscar and the other postal sea clerks trying to save the mail in the ship's post office.

Mr. Woody's body was later recovered, along with keys to the ship's mailboxes and ''facing slips'' which indicated the destination of the mail sack.

Mr. Speaker, once again we are witness to the hard work and dedication of postal employees, even in the face of death and disaster.

I commend my colleague for honoring postal sea clerk Oscar Scott Woody, and although the gentleman from North Carolina (Mr. MILLER) was unable to be here today, I know that he would be proud to see the passage of this bill, which names a postal facility after Mr. Woody.

Mr. Speaker, I do not believe that I have any other requests for time and urge its passage.

Mr. MILLER of North Carolina. Mr. Speaker, I am pleased to rise in support of this legislation to designate the Roxboro, NC Postal Service facility as the Oscar Scott Woody Post Office.

Oscar Scott Woody, a native of Roxboro, North Carolina, was a sea post clerk aboard the Titanic. Woody worked 15 years as a railroad mail clerk, spending most of the time on trains running between Washington and Greensboro, North Carolina. He was selected in 1910 to join the sea post service.

The Titanic was not only the largest and most luxurious ocean liner of her time, she was also a Royal Mail Steamer. With five sea post clerks, the Titanic set sail for New York with over six million pieces of mail on board. The clerks worked throughout the voyage, sorting mail in the ship's state-of-the-art mailroom.

Sea post clerks were highly skilled and respected postal workers who sorted, canceled, and re-distributed the mail in transit. Regarded as the best of the best, these men typically sorted over 60,000 letters a day, making few, if any, errors in the process. Their hard work and efficiency allowed the mail to be delivered immediately or forwarded directly to other destinations at the end of a voyage.

Mail was considered precious cargo and sea post clerks were expected to protect it at any cost.

On the evening of April 14, 1912, the sea post clerks took a break to celebrate Mr. Woody's forty-fourth birthday. During their celebration, the Titanic hit an iceberg. They returned to find the mail storage room, located in the forward hold that the iceberg had breeched, flooding with water. The clerks desperately tried to save 200 sacks of registered mail by dragging them to the upper decks. Oscar Scott Woody was last seen alive at work, sloshing through the waist high freezing water to save the mail.

None of the mail clerks survived. Oscar Scott Woody's body was recovered a week later and buried at sea.

An exhibit at the Person County Museum of History in North Carolina notes Oscar Scott Woody's place in history. Governor Mike Easley proclaimed November 24, 2003 as ''Oscar Scott Woody Day'' in North Carolina.

Recognition of Woody's heroic efforts is long overdue. It is certainly fitting to name a North Carolina Post Office after a North Carolinian who gave his life upholding his duties to the U.S. Postal Service. Not only does this legislation recognize a postal hero, it serves as a recognition of the contributions made by postal workers and sea post clerks throughout our nation's history.

Mr. Woody certainly displayed the qualities with which North Carolinians take pride. This account was published by the Roxboro Courier on April 24, 1912:

''Mr. Woody stuck by his post and went down with hundreds of brave men, who scorned to take the places by the law of the sea and of Tar Heel chivalry [that] went to women first . . . More than one North Carolinian today, when it was learned that the dead mail-clerk hailed from down home, expressed their satisfaction that North Carolina courage had not been found wanting in that fearful test.''

On May 1, 1912, an article about Mr. Woody in the same paper was published under the headline, ''Died like a North Carolinian.''

Loyal to the last, Mr. Woody was a true Tar Heel. He stuck by his post like his heels were covered in tar and did his job on that frightful night, choosing duty over his life. On his birthday, he never wavered from his duty, and for that all Tar Heels take pride.

I hope all my colleagues will join me in honoring a man who truly gave his life for his work by naming the Roxboro postal facility the Oscar Scott Woody Post Office.

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

Mr. MURPHY. Mr. Speaker, I urge passage of H.R. 3740, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 3740.

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. MURPHY. 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.

BOBBY MARSHALL GENTRY POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4176) to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

The Clerk read as follows:

H.R. 4176

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

SECTION 1. BOBBY MARSHALL GENTRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, shall be known and designated as the ''Bobby Marshall Gentry Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bobby Marshall Gentry Post Office Building.

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

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

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4176, the bill under consideration.

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

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4176 designates the U.S. Postal Service facility located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building.'' Like H.R. 3740, this bill enjoys the cosponsorship of the entire North Carolina congressional delegation.

Mr. Speaker, I want to commend my distinguished colleague and friend from North Carolina (Mr. HAYES) for introducing H.R. 4176.

Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend the gentleman from Pennsylvania (Mr. MURPHY) and my friend the gentleman from Illinois (Mr. DAVIS) for helping participate today.

I rise today urging my colleagues to support H.R. 4176, legislation that would name the main post office in Raeford, North Carolina, in honor of their long-time mayor and my good friend, Bobby Marshall Gentry. Many qualities Bobby Marshall Gentry had. The old saying is ''They also serve who only stand and wait.'' Let me tell my colleagues for sure, Bobby Marshall Gentry never stood and never waited. He moved forward for his town, for his church, for his family, for his children.

Mr. Gentry was elected to the Raeford City Council in February of 1977 and proceeded to serve the city of Raeford, North Carolina, faithfully for 26 years. In March of 1990, Bob was appointed to the post of mayor after the death of then current mayor, J.K. McNeill. Bob was elected in his own right as Raeford's mayor in 1993 and reelected in 1997 and 2001. He served until his untimely death on October 29 of 2003. He served his country also as an Army veteran of the Korean War.

It is interesting to look at all the things that Mayor Gentry did, but one of his most proud accomplishments in those 26 years, only one time was there a tax increase. There were numerous tax decreases for which we all admired him.

Like most folks in Hoke County, I was shocked and saddened when I heard the news that Bob had died. Today I urge my colleagues to join me in remembering a great man who I am proud to have called my friend.

Mr. Speaker, Bob Gentry was a popular mayor. Folks in the community appreciated, admired and really liked him a lot. In fact, I do not think it is too much of a stretch to say that the Raeford community loved Mayor Gentry. Once, when asked why he ran for office, Bob replied as if it were just simple common sense, ''I enjoyed it so much that I could not resist running again and again.''

Bob was known for his ability to not only accomplish good things for Raeford, but he was able to genuinely have a good time serving and accomplishing these many ends.

Raeford, North Carolina, is a small town in my district, but this small-town mayor was a big-time leader who was constantly looking out for the town and the people. He passionately pursued economic development opportunities. Under his leadership, Raeford was put on track for the largest downtown development in Raeford's history. As a long-time and loyal employee of Burlington Mills for 17 years, he also owned his own small business. He was a contributor. He was a giver.

Mayor Gentry was appointed to the Lumber River Council of Governments board of directors in February of 1990. He served as chairman of this group for several terms and was known by his fellow board members as a leader who believed in starting on time, getting your work done and adjourning on time.

Bob greatly admired another great North Carolinian, former United States Senator Jesse Helms. He once said of Senator Helms, ''His integrity is beyond reproach. When he thinks he is right, he will not compromise his position for political acceptance or gain. His morals are of the highest standards.''

We were members of different political parties, but his admiration for Senator Helms and his befriending of me and shepherding me through the process showed clearly his focus was always people and not politics.

Mayor Gentry was a hardworking mayor. He left a legacy with his community. His vision for the future and his determination made Raeford a better place to live and work.

Mr. Speaker, in a small city like Raeford, you often see your friends and neighbors at the post office. It is the kind of place where people say hello and get caught up on what is happening around town. It is very fitting then that today the Raeford community joins me in support of naming the Raeford Post Office, a building at the center of the community, in honor of our former mayor Bob Gentry.

To his wife Eleanor, I had the privilege, Mr. Speaker, of attending the celebration of his life, the funeral service for him, and to Eleanor, there is a passage of scripture, ''In my Father's House, there are many mansions. I have gone to prepare a place for you.'' Well, Bob Gentry is in heaven right now making sure that water and sewer are taken care of, that the lights are on, and preparing a place for Eleanor and his family and others.

To Marsha, Gary and Mark, his children; to his five grandchildren, Marshall, Lucas, Katie, Kelly and Liam, their grandfather was a wonderful man. He leaves many memories of a life well-lived, a good and faithful servant who has gone on before, who served in many, many ways.

Honesty, integrity, intense commitment, these are the qualities, among many, that signified our friend, Bobby Marshall Gentry.

I urge my colleagues to support this legislation and honor my friend, a fine public servant.

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4176, legislation naming a postal facility in Raeford, North Carolina, after Bobby Marshall Gentry. This measure, which was introduced by the gentleman from North Carolina (Mr. HAYES) on April 20, 2004, and unanimously reported by our committee on May 6, enjoys the support and cosponsorship of the entire North Carolina delegation.

Bobby Gentry, as we have heard, a lifelong resident of Raeford, was a businessman and long-time member of the political establishment in his community. He served on the Raeford City Council for 13 years, from 1977 to 1990,

and was appointed mayor in 1990. He then went on to win three mayoral elections after that.

Sadly, on October 29, 2003, Mayor Gentry passed away of a heart attack. Earlier that day, he had played golf with friends and was out having dinner.

Mr. Speaker, as I understand it, the Raeford community, postmaster and mayor are all in support of this measure. I want to commend my friend the gentleman from North Carolina (Mr. HAYES) for introducing it, and I urge its passage.

I do not have any other speakers.

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

Mr. DAVIS of Illinois. I yield to the gentleman from North Carolina.

Mr. HAYES. Mr. Speaker, I thank my friend for yielding.

Not everyone knows my friend, the gentleman from Illinois (Mr. DAVIS), did not spend his life in Chicago. He grew up in the rural south, and I bet he knew people like Bobby Gentry, the kind of folks you are glad to see on the streets. It particularly pleases me and the people in my community for the gentleman to stand in honoring the memory and life of a man who grew up in a rural farming community, but did many great things from that platform.

I thank the gentleman for his help and support.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman, and it is a pleasure to be here with my colleague.

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

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

I want to again acknowledge my colleague, the gentleman from North Carolina (Mr. HAYES), for his work on H.R. 4176 and the work of the gentleman from Illinois (Mr. DAVIS), and I urge all of the Members to support its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 4176.

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. MURPHY. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 30 minutes p.m.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2004*.

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. Con. Res. 420, by the yeas and nays;

H. Con. Res. 423, by the yeas and nays; and

H. Con. Res. 403, by the yeas and nays.

The remaining votes will be taken on a later day.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

APPLAUDING THE MEN AND WOMEN WHO KEEP AMERICA MOVING AND RECOGNIZING NATIONAL TRANSPORTATION WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 420.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 420, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 73, as follows:

[Roll No. 177]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham

LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—73

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Gutknecht
Isakson
Istook
Jenkins
Johnson (IL)
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Maloney
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 177 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 177 I was unavoidably detained. Had I been present, I would have voted "yea."

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR ACTIVITIES ASSOCIATED WITH THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 423.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 423, 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 364, nays 0, not voting 69, as follows:

[Roll No. 178]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
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)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1905

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING GOVERNMENT OF REPUBLIC OF SUDAN FOR ATTACKS AGAINST INNOCENT CIVILIANS IN IMPOVERISHED DARFUR REGION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 403, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 403, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 1, not voting 72, as follows:

[Roll No. 179]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
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)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—72

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Hensarling
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Lampson
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Northup
Oberstar
Owens
Oxley
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1922

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 177, 178, and 179. Had I been here I would have voted "yea" for rollcall vote 177, "yea" for rollcall vote 178, and "yea" for rollcall vote 179.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 177, Recognizing National Transportation Week; rollcall vote 178, Authorizing Capitol Grounds for the Dedication of WWII Memorial; rollcall vote 179, Condemning the Sudan for civilian attacks in the Darfur region.

Had I been present, I would have voted "yea" for rollcall votes 177, 178 and 179.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 177, 178, 179 due to bad weather, which delayed my flight. Had I been present, I would have voted "yea" on rollcall vote 177, 178, 179.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on Monday, May 17, 2004, I traveled to Topeka, Kansas, to celebrate the 50th anniversary of the historic Brown v. Board of Education ruling in which the United States Supreme Court determined that separating students by race was inherently unequal and unconstitutional.

During my absence, the House of Representatives considered H. Con. Res. 420, a Resolution recognizing National Transportation Week, H. Con. Res. 423, a Resolution authorizing use of the Capitol Grounds for the dedication of the World War II Memorial, and H. Con. Res. 403, a Resolution condemning the Sudan for civilian attacks in the Darfur region.

Had I been present, I would have voted "yes" on all three of the above referenced bills.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Monday, May 17, 2004. Had I been present, I

would have voted "yea" on H. Con. Res. 420, a resolution applauding the men and women who keep America moving and recognizing National Transportation Week (Rollcall No. 177); "yea" on H. Con. Res. 423, a resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial (Rollcall No. 178); and "yea" on H. Con. Res. 403, a resolution condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan (Rollcall No. 179).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005.

The form of the motion is as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

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

Mr. STENHOLM. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on S. Con. Res. 95, Concurrent Resolution on the Budget for Fiscal Year 2005.

The form of the motion is as follows:

Mr. Stenholm moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed, within the scope of the conference, to reject provisions that provide for an increase in the statutory debt limit.

CONGRATULATING SONIA GANDHI, INDIA'S NEW PRIME MINISTER

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

Mr. McDERMOTT. Mr. Speaker, I rise to offer congratulations and best wishes to Sonia Gandhi, India's next Prime Minister.

India, the word's largest democracy, reminds us that people can change the course of their country without violence. In these troubled times, India has given us another valuable lesson. It is not the first time the world has looked to India and learned.

Another Gandhi changed his country and changed the world by relying on ideas instead of violence, by believing in people and the common good.

Mahatma Gandhi once said, ''You must be the change you wish to see in the world.'' How true those words are today.

The voices of a billion Indians have spoken, and India today stands tall in the international community. We look forward to working toward peace with the Indian people and their new Prime Minister.

THE PRESIDENT'S RECORD ON OFFSHORE OIL AND GAS DRILLING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, the President recently said that he unambiguously opposes oil and gas drilling off the coast of Florida, but 2 years ago, he proposed weakening the very law that Florida and California used to protect their valuable coastlines from new drilling.

Then the President threw his support behind an energy bill that undermines the bipartisan agreement against new drilling off Florida, California and other coastal States.

Now the President is considering a report from the National Petroleum Council, a group composed mainly of energy executives, which has recommended drilling off Florida, California and coastal States.

Mr. Speaker, these actions show how out of step the President's policies are with coastal communities. By contrast, Senator KERRY has a long record opposing offshore oil drilling.

He passed legislation to impose a moratorium on drilling in the Outer Continental Shelf, blocking oil and gas companies from drilling in environmentally sensitive areas; and he has sought long-term solutions that make sense for energy development and that balance environmental protection and economic growth.

Mr. Speaker, the President should be supporting policies to protect our valuable coastal communities. In short, he should be doing what Senator KERRY is doing.

OFF-SHORE OIL DRILLING

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

Mr. GEORGE MILLER of California. Mr. Speaker, I think most people recognize that California often leads the Nation in its efforts to protect the environment. It also leads the Nation as the most efficient user of energy.

There are few issues more unifying than the importance of protecting our coasts from the impacts of offshore oil drilling.

Time and again, local, State and Federal officials in both parties have supported a moratorium on offshore oil drilling. Yet, despite the campaign rhetoric claiming to oppose offshore drilling, this administration has attempted every backdoor route to weaken coastal protections. All we have to do is look at the energy bill and find numerous provisions supported by the administration that paved the way to drilling off the coast of California.

In fact, just this month Aera, a subsidiary of Shell/ExxonMobil, indicated it is moving forward with its intentions to develop several leases off the coast of Santa Barbara that are not subject to the drilling moratorium.

The President stepped in in the same situation in Florida and bought out those leases, Florida, a State where his brother is Governor, but he will not do this in California.

Further, the administration, through the energy bill, has repeatedly tried to weaken the State of California's ability to regulate the activities at the State level that might impact our coasts.

REPUBLICAN ENERGY BILL

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

Mr. PALLONE. Mr. Speaker, the Republican energy bill includes dangerous provisions that would overturn longstanding moratoria on drilling in new areas of the Outer Continental Shelf and gut States' rights.

President Bush supports an inventory on the Outer Continental Shelf that would threaten the long-standing moratoria on new drilling in the OCS off the entire East Coast and lead to new drilling.

The inventory is unnecessary. The Minerals Management Service already conducts a survey every 5 years, the latest published in 2000. The assessment includes estimates of undiscovered oil and natural gas that is conventionally and economically recoverable.

The President should be seeking long-term solutions that make sense for energy development and that balance environmental protection and economic growth. Instead, he wants to gut the moratorium on oil and gas drilling in the Outer Continental Shelf and weaken States' rights under the Coastal Zone Management Act.

Mr. Speaker, States have used the Coastal Zone Management Act to protect their valuable coastlines from new offshore drilling. The President should be working to enforce our laws and not weaken them.

HONORING VONNY HILTON SWEENEY

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

Ms. WATSON. Mr. Speaker, I want to pay tribute to someone who has made celebrities while she stayed in the background. Her name is Vonny Hilton Sweeney.

She set high goals and obtained one of the most prestigious achievements by becoming the first black majorette while attending Brownsville High School in Pennsylvania. She was married to Howard James Sweeney and had one son. She worked at a community hospital in north Sacramento and received a B.A. in English and journalism from Sacramento State University. She was a contributing editor for the Sacramento Observer.

She moved to Los Angeles in 1966 to pursue her career in the entertainment industry where she was promotion coordinator for Sussex Records, vice president of promotion and publicity for Hugh Hefner's Playboy Records Company, and received her first gold record for the hit single ''Falling In Love'' recorded by Hamilton Joe-Frank and Reynolds. She was also a publicist for Janet DuBois and one of the first female managers for such acts.

She was the public directions director for over 25 years for James Brown entertainment including current editor of his Truth Magazine. As an icon in the James Brown organization, she was personally responsible for showcase venues worldwide, his biggest fan, as well as the dearest friend over many decades. In 1992, 1993 and 1994 she was listed in the ''Who's Who'' of entertainment.

As a mentor, one of her attributes was to become involved with other people's lives, and was instrumental in helping individuals achieve and reach their dreams. Her goal in life was to pursue the dreams and goals of others through her dedication and guidance in all aspects of the entertainment industry.

Vonny Hilton Sweeney was preceded in death by her loving parents James and Anna Rea Hilton and her brother James Thompson. She is survived by her son Howard James Sweeney, wife Jennifer, and granddaughter Jade Sweeney and step-grandson Justin McCarthy, brother Walter Thompson, his wife Jerri, sister Rose Alma King, sister Barbara Hilton Brown, her husband John L. plus numerous nieces, nephews and many friends.

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SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

SUPPORT THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to remind everybody there are only 119 days before the assault weapons ban goes back on our streets. As the Million Mom March begins its Halt the Assault tour beginning tomorrow, I think it is important to remember the support the assault weapons ban has across this country.

I want to remind people that in California, KSBW television said recently, ''We call on the Congress to keep assault weapons where they belong, with our military and with our police.'' On the other side of the country, the Worcester Telegraph and Herald says, ''Banning assault weapons in no way limits individuals' ability to buy, own, or sell legitimate sporting firearms.'' In the South, the New Orleans editorialized, ''There's no justification for legalizing the 19 military-style weapons covered by the ban.'' In the Midwest, the Springfield Illinois State Journal-Register wrote, ''No reasonable gun owner should oppose the Federal assault weapons ban.''

All across the country, the Nation's leading newspapers are reflecting the opinion of the American people. They want the assault weapons ban renewed. Strip away the rhetoric and the polls and the focus groups, and gun violence is about destroying lives. How many more lives will we destroy by putting assault weapons back on our streets?

Each week, I get up and I say to the American people, you can make a difference. Each week, I get up and remind people that we need to have the assault weapons ban renewed. September 13 is coming up soon.

When you start talking to our police officers across the country and how involved they are in this issue, people have to remember why we passed the assault weapons ban in the first place, because our police officers were being mowed down. Assault weapons were used in killings in our schools.

We can stop this, but we need the American people's help. You can make a difference. You can make a difference. I have always said one person can make a difference, because first it is one, and then two, and it multiplies across this Nation. But we need to hear your voices. We need to have you contact your Members of Congress, the Members of the Senate.

We need to hear your voices. That is the only way we are going to get that bill up here on the House floor. The President has promised to sign the bill if it gets on his desk. We have to make sure that the bill is passed here through the House. We know we can pass it in the Senate and have it put on the President's desk.

I personally believe it should be made permanent. I also believe that copycats of the guns that were used, say in the D.C. sniper shooting, which was the Bushmaster, should not be allowed to be copycat. I saw in the paper the other day that one of our gun manufacturers just got a very large contract for the military so that the people in Iraq, their soldiers, will have our guns. So I think we can see where the guns are going for war.

Let me remind people: AK–47s and Uzis, these are the guns you see every night on TV; these are the guns we see our young men and women use to go fight the war in Iraq. And that is where they belong, in a war, not on our streets. They should not be allowed on our streets. They should not be allowed in our communities. They certainly should not be allowed to be bought and sold by the drug gangs we have throughout this country today.

This is what we need to do. I am asking the American people for help. I will do my part here in Washington, but I need your voices across the country to make sure we have the bill come up for a vote. That will be your job: contact your representatives. Do your part. Do not always say, let them do it; you have to get involved in this issue.

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.)

MOMENTUM CONTINUES ON DRUG IMPORTATION

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

Mr. GUTKNECHT. Mr. Speaker, I am not certain I can do this Special Order without my charts. It is different for me to be down here without charts, but I am going to talk about prescription drugs. And for those of us who believe that Americans ought to have access to world-class drugs at world-market prices, last week was a very good week.

In fact, let me just review some of the things that have happened just since May 4. On May 4, Health and Human Services Secretary Tommy Thompson said, ''I think it is coming,'' referring to the legislation to legalize the importation of prescription drugs.

On May 5, the CEO of CVS Pharmacies, one of the largest in America, Tom Ryan, said, and I quote, ''Millions of Americans have already opted to import drugs because they cannot afford not to. To do otherwise,'' referring to the importation legislation, ''would be to ignore the millions of Americans who, as we speak, are forced to go outside our existing system, which is intended to ensure drug safety, in order

to preserve their pocketbook.'' That is what Tom Ryan said, who as I say, is president and CEO of CVS Pharmacies.

On May 6, Walgreen's, their CEO, came out and said essentially the same thing. Through a written statement, they said, ''If importation is legalized, we will actively participate in filling prescriptions for patients. It is a way to provide some relief to those we see every day in our pharmacies.''

On May 9, the Chicago Tribune editorialized and said in their headline: ''The Drug Import Juggernaut,'' and they highlighted the growing momentum for drug importation. They said in that editorial, and I quote, ''Simply relying on the American consumers to pick up the slack is indefensible.''

And on May 10, a Minnesota District Court judge granted our State Attorney General's request to compel GlaxoSmithKline to produce documents related to the company's efforts to cut off Canadian drug imports to the U.S. This is a landmark decision, and it is the first time a judge has stated, and I quote, ''Not only drug importation is illegal.''

Mr. Speaker, the momentum continues to grow to allow Americans to have access to world-class drugs at world-market prices. As I have said here many times with my charts, I think we as Americans live in a blessed country. We should be willing to pay our fair share for the prescription drugs which help save our lives. But it is really unfortunate that we are forced to subsidize countries around the world. I think we ought to pay our fair share, but we should not be forced to subsidize the starving Swiss.

And there are several other solutions people have proposed; but ultimately, I, like Ronald Reagan, believe markets are more powerful than armies. The time has come to open up those markets, allow Americans to have access to those drugs at world-market prices.

BROWN V. BOARD OF EDUCATION

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

Mr. LEWIS of Georgia. Mr. Speaker, I want to take a few moments to remember the 50th anniversary of the Supreme Court decision in Brown v. Board of Education. May 17, 1954, became a history-making day.

I was 14 years old, in the ninth grade, when the Brown decision was issued. I rode to school on a broken-down school bus. I was taught in a dilapidated schoolhouse. I had hand-me-down books and sat in an overcrowded classroom. When the word of the Brown decision reached me outside of Troy, Alabama, I thought the very next school year I would be able to attend an integrated school. But it did not happen for me. It did not happen for many African American children for many years to come.

Mr. Speaker, as you know, laws set the standard in America, but that is only one important part of the so-called contract in a democracy. Courts can hand down the law, but the people must be willing to abide by the law before it has power. So it took some time before school integration came to many parts of the American South. But the Brown decision was the first powerful step in the modern-day civil rights movement. It set the tone and laid the groundwork for what was to come. It said once and for all that segregation was dead. It said separate could never ever be equal.

So it was only a matter of time before the whole system of American apartheid would come to an end. But perhaps most important, Mr. Speaker, the Brown decision was an inspiration. It gave hope to so many throughout the South. It was the first time we had ever had an indication that anyone in the Federal Government knew about the injustice we suffered, and it was the first time we had ever heard any government agent agree that it was wrong.

The Brown decision strengthened the resolve of people already involved in the struggle for civil rights, and it encouraged hundreds and thousands of young people like me to believe a new day could come in America. And that is why the Brown decision is so important to remember.

Many people never dreamed that they would ever see the end of segregation, but the Brown decision helped them to see that a persistent call for justice in America can bring change. That is why we cannot give in, we cannot give up, and we cannot give out, Mr. Speaker, until the promise of the Brown decision is fully realized in America.

We have come a long way in 50 years, but we still have a great distance to go before we lay down the burden of race in America. But our struggle is more than one decision, more than one vote, one congressional term, or Presidential election. Ours is a struggle of a lifetime, and that is why we must not get lost in a sea of despair, Mr. Speaker. We must not lose faith in a dream of an integrated society promised by the Brown decision.

Here, in the United States Congress, we must hold fast to the struggle for peace, the struggle for equality, and the struggle for justice for all, until the dream of a truly interracial democracy is fully realized in America, until we see the dawn of the beloved community, a Nation at peace with itself.

We cannot be satisfied, we cannot rest until that day comes, until the true meaning of Brown is a living reality for all Americans.

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

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

PERSECUTION OF HINDUS IN BANGLADESH

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

Mr. PALLONE. Mr. Speaker, I rise this evening to express my deep concern over the persecution of Hindus in Bangladesh. The coalition government of the Bangladesh Nationalist Party, BNP, which came to power on October 1, 2001, has initiated a violent campaign. And since the BNP's parliamentary victory nearly 3 years ago, a campaign of terrorism, murder, and religious cleansing has been unleashed on Hindus living in Bangladesh. I had written a letter to Bangladesh's Prime Minister Zia in 2002 about this violent persecution, but I have received no response to date; and it is a fact that unabashed violence has continued freely.

Although the latest wave of violence has been ensuing since the BNP took power in 2001, Hindus have been a disappearing minority in Bangladesh at the hands of Bangladeshi forces that have employed human rights abuses, atrocities, and ethno-religious cleansing tools. In 1941, Hindus comprised 28 percent of the population; but by 1991, the Hindu population dwindled to a meager 8 percent. A large part of this decrease in the Hindu population can be attributed to the 1971 genocide by the then-Muslim East Pakistan Party, whereby 2.5 million Hindus were murdered and 10 million Hindus fled to India as refugees.

Reminiscent of the Jewish Holocaust, Hindu homes were marked by a yellow H, which in fact guided the pillagers to their homes. Over the following 30 years, thousands of Hindu temples were destroyed, Hindus were systematically disenfranchised from holding political power, and prejudicial legislation ensured an unstable existence for Hindus. In fact, Islamic extremists have routinely dispossessed Hindus and, for that matter, Christians and Buddhists, of their ancestral properties and land, burned down their homes, and desecrated and razed temples, which has resulted in forcing many to flee as refugees.

Mr. Speaker, I have reviewed numerous reports that attest to the current violent persecution in Bangladesh. These reports have been written by the International Federation of Bangladeshi Hindus and Friends, Amnesty International, the U.S. State Department's Annual Report on International Religious Freedom, CNN, BBC, and multiple Bangladeshi newspapers that reflect the testimonies of the Hindu victims.

This campaign of minority cleansing in progress in Bangladesh has to be stopped. Since 1971, when Bangladesh was born as a secular democratic country out of Islamic Pakistan, all minority populations have declined, and this Islamization must be put to an end through the government's leadership. In an effort to uphold pluralistic democracy in Bangladesh and protection

of Hindus and all minorities, the following must be implemented:

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First, restoration of secularism in the constitution of Bangladesh, as it existed in the first constitution of independent Bangladesh in 1972.

Second, passage of affirmative action and hate crime laws that acknowledge the minority communities of Bangladesh.

Third, production of a white paper on atrocities against the minorities over the years, and assurance that the perpetrators of the ongoing pogrom are brought to justice.

Fourth, repatriation of the refugees, displaced people, with full compensation to the victims.

Fifth, ending of oppression of journalists and writers who report minority and human rights violations.

Six, termination of the illegal torture in custody of members of secular parties.

And seventh, allowance of an independent commission to investigate the atrocities perpetrated against the minority groups.

Mr. Speaker, I hope that these goals can be achieved and the Government of Bangladesh can take the necessary steps to international human and civil rights.

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

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

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

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

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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

REFLECTIONS ON BROWN V. BOARD OF EDUCATION

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

Mr. HINOJOSA. Mr. Speaker, today marks the 50th anniversary of the Supreme Court's landmark decision to end segregation as the law of the land. This day, in short, changed everything or almost everything in the field of race relations. This day was Monday, May 17, 1954.

Brown v. Board of Education of Topeka was about more than Topeka, Kansas. It was, in fact, a consolidation of five cases challenging segregation in public schools in the United States of America. The five cases had been heard by lower courts and had been appealed to the United States Supreme Court by attorneys representing black school children in South Carolina, Washington, D.C., Delaware, Virginia, and Topeka.

Today, we celebrate the fortitude, the integrity, and the conscience of those who stood up for American values, from the 1930s and 1940s with the Mexican neighbors in Lemon Grove and the Mendez family in Orange County, California, to the 1950s with the students of Robert Moton High School in Virginia, parents in Washington, D.C., Summerton, South Carolina, Delaware, and, yes, the Brown family of Topeka, Kansas.

In communities across the Nation, minority families united to make America's promise of equality apply to their children, too. Brown was a turning point in the battle for equal educational opportunities for all, but there is still a long way to go before we can declare victory.

Although the Supreme Court handed down its decision 50 years ago, we must not forget that Brown is not only a historical moment, but it is living law. We must rededicate ourselves to keeping the spirit of Brown alive in every State, every school district, and every school building in the country. More than 40 percent of the 1.8 million Hispanic students in Texas attend schools where they are the overwhelming majority. Texas is not the only State seeing this trend.

Across the United States, communities are increasingly isolated by race, ethnicity and socioeconomic status. Our schools reflect this isolation. Today, in 2004, Hispanic students attend the most segregated schools in the Nation.

Wealth is concentrated in certain communities and because of our system of funding schools with local property taxes, that wealth is also concentrated in certain schools. Nearly every State in the Union is engaged in court battles over school finance. It seems to me that equal opportunities and equal resources go hand in hand; do you not agree?

It is no coincidence that the Texas miracle in education followed the implementation of the so-called Robin Hood system of funding schools that moved resources from wealthier school districts to poorer ones.

In staying true to the spirit of the Brown decision, we must ensure that America's young people have equal opportunities and that the resources to achieve them are provided, no matter what the color of their skin, no matter what their ethnic background is, no matter if they are poor, and no matter where they live in the United States, whether it be in the metropolitan cities or rural areas.

Today, the unfortunate truth is, not only have we not fulfilled the dream of equal educational opportunities, but also many of our young people are not even in ''separate but unequal schools.'' Many are completely separated from school altogether.

The graduation rate for African American and Hispanic students hovers at 50 percent. The Manhattan Institute reports that only 20 percent of the African American students and only 16 percent of Hispanic students leave high school prepared for college. The high school diploma is the minimum entry requirement for postsecondary education and being able to compete in the 21st century workplace. Yet half of our poor and minority students are being denied the basic ticket to a productive future. The spirit of Brown demands that we take immediate action to improve high schools and graduation rates.

We must focus on fundamentals. We must work to improve the basic literacy skills of our secondary school students.

We must support reforms, which have proven effective in improving educational outcomes at the secondary school level. More importantly, we must adequately fund these programs instead of penalizing schools that desperately need our help.

Finally, we must hold ourselves accountable for high school graduation rates. Representative SUSAN DAVIS and I have introduced H.R. 3085, the Graduation for All Act, and Senator PATTY MURRAY has introduced S. 1554, the Pathways for All Students to Succeed Act to support these kinds of reforms.

A coordinated national campaign to improve secondary schools is desperately needed. This campaign must leverage resources from all stakeholders: school districts, local governments, states, philanthropic organizations, corporation, community-based organizations, and the federal government. Together we will turn this around. Together we will make the promise of the Brown decision a reality for all of our young people. Our future depends on our success in achieving equal educational opportunities for all.

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

(Mr. MEEKS of New York 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 California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING BROWN v. BOARD OF EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Delaware (Mr. CASTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. CASTLE. Mr. Speaker, I am very pleased to be able to be here to share some thoughts and share my time with the gentleman from Nebraska (Mr. OSBORNE) concerning Brown v. Board of Education, what it has meant to us as a country, what it has led to, and where we are today. And then I would like to take some time and tie it in with No Child Left Behind, which I think perhaps is the most significant measure we have taken since Brown v. Board of Education to truly educate all of the young people in the world today.

I think most of us recognize by now because of all of the news and publicity that Brown v. Board of Education was decided 50 years ago. A lot of people may not know all of the States involved, but one of them happened to be my State, Delaware. Kansas is most often cited, but it was a decision made in the State of Delaware that first said separate but equal, Plessy v. Ferguson should no longer be the law of the land, but indeed we had to have integration in our schools, not just separate but equal facilities; and quite frankly, most of the facilities were not equal anyhow.

From that went the Supreme Court decision argued by Thurgood Marshall and others in which the case of Brown v. Board of Education actually found that the doctrine of separate but equal was unconstitutional in the sense it did not give everyone equal opportunity, and came forward with the new policy of full integration for everybody.

At the time it caused, frankly, some upheaval. Some were disturbed about it. Others embraced it as a solution to a lot of societal and educational problems in the United States of America. But the bottom line was that it was the law of the land. The law of the land, however, does not necessarily mean that it was carried out in that way, because even though that was the way it was stated, there were only a minimal number of students that came forward, often with a lot of publicity, police sometimes accompanying them as they went into their schools. And, indeed, some took advantage of it, but many did not.

In Delaware, other things happened later in terms of desegregation suits, bussing issues, and eventually we got to the point of full integration in Delaware, so we became at one point the second most integrated State in the United States of America. Others struggled for a longer time.

There are pockets in this country where integration took place on a sound basis in terms of bringing our schools together, but it was soon realized that all of the goodwill from Brown v. Board of Education would not be realized in full, at least any time soon, so we struggled continuously in terms of educating our young people.

But something else happened which was very interesting. It was Brown v. Board of Education, decided 50 years ago, which really paved the way for a number of other acts which are of extraordinary importance to Americans today. One is the Civil Rights Act of 1964, and then shortly thereafter the Voting Rights Act of 1965, and the Fair Housing Act of 1968. These in combination with Brown v. Board of Education have helped to integrate America to a degree America had not been previously integrated. They are certainly landmark laws and have helped turn the tide of racism which existed in our country prior to that time.

The Supreme Court revisited the ruling in 1955 to resolve some of the difficulties that were involved. As we look back at that segment of what we have done and what we are doing in the year 2004, there is recognition of a couple of things. One is in the Brown v. Board of Education suit, we were dealing primarily with African Americans. In America today, we are dealing with a greater number of minorities than we were before, as well as a greater percentage of minorities, but particularly Hispanic Americans, some Asian Americans, and a whole variety of other minorities who become actual larger numbers in our school districts. So we deal with broader issues as we deal with the questions that were raised by Brown v. Board of Education.

I think there is also a greater realization, decade by decade, maybe not year by year, of the significance of education. As I go through my communities in Delaware, as other Members go through their communities, I think there is an understanding that you can tie education into economic opportunity in America. If we do that, the issue of race, the issues of gender and geographical location, poor income, backgrounds, the various things that have been a problem before seem to melt away if we can educate all of our young people.

I would say, in 2004, there is greater emphasis on educating each and every young person in our community than there has ever been before. So Brown v. Board of Education has not been perhaps the great success that everyone would have liked it to be. We recognize this anniversary; we do not really celebrate it because a celebration would involve pure integration and no problems, and there are still some problems, but it is of overwhelming importance in the history of the United States of America. It has been extremely positive in many ways, and all of us have a responsibility to try to continue it forward.

Mr. Speaker, I am going to yield to the gentleman from Nebraska (Mr. OSBORNE), but before I do that, I am going to come back and talk about No Child Left Behind because I am firmly convinced that the only act which has really made the kind of impact difference or can at least make an impact difference similar to what we had in Brown v. Board of Education is No Child Left Behind, and they are very closely tied together.

But I would like to yield to the gentleman from Nebraska (Mr. OSBORNE) who obviously, through his coaching career, has dealt with many, many young people in terms of their educational concerns, as well as being a distinguished member of the Committee on Education and the Workforce and the vice chairman of my Subcommittee on Education Reform where we deal with kindergarten through 12th grade education, and is someone who knows as much about education and as much about young people in this country as anyone I know.

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Mr. OSBORNE. I certainly appreciate the gentleman's leadership on the subcommittee and in the area of education in general. As he mentioned, in the late 1800s, Plessy v. Ferguson set forth the separate but equal doctrine which really codified and legitimized segregation in the schools, and we ended up living with that for about 60 or 70 years. Of course, that was devastating to not only African Americans but all minority groups. The gentleman has done a good job of explaining Brown v. Board of Education in 1954, overturning the separate but equal ruling. Of course, this was a landmark decision that formally ended segregation in the schools.

Yet as the gentleman has also pointed out, inequities in education still remain over this last 50 years, and I guess we are today celebrating the 50th year anniversary of Brown v. Board of Education. Some groups in our schools are still achieving at much higher rates than others. Statistics indicate that in the fourth grade, Caucasian students are performing on achievement tests about 30 percent higher than African American and Hispanic students. This gap obviously is unacceptable. Some of these differences, I believe, are due to socioeconomic factors, but many are differences simply due to inequities and differences in the schooling and the schools that they are attending.

Since 1954, over 300 billion Federal dollars have been spent on education. With that type of expenditure, we would expect to see that achievement gap narrowing rather dramatically and probably disappearing. Yet the academic achievement gap is still persisting. Until just the last couple of years actually in many cases it has widened. Another inequity that I have noticed through my personal experience, the gentleman mentioned that I used to work on a college campus and

I traveled throughout the country. I visited each year annually probably 60 or 70 high schools. Over 36 years in the coaching profession, I probably evaluated hundreds of transcripts. One of the disconcerting things that I ran into was that occasionally I would run across a transcript that by all measures and all standards looked pretty good. The young person graduated from high school, had the right courses, had reasonably good grades; and then you discover that that young person could not read or could not do basic math. Of course, this has become a major problem in terms of the well-being of our country.

Another problem that we ran into quite frequently was simply comparison with other nations. Within the last couple of years, I believe we have had some international tests. The United States ranks 19th out of 21 nations in advanced math and science. Of course, when you attempt to compete on the international scale, it is almost impossible to do well ranking in those areas. Alan Greenspan recently indicated in a hearing before the Committee on Education and the Workforce that we are not producing enough high school and college graduates with technical skills to fill the jobs that we have in this culture. As a result, we are having to import a fairly high number of people to fill these jobs.

All of these things, I think, have made, as the gentleman mentioned, the 2001 No Child Left Behind Act particularly important. Oftentimes we hear this referred to as the President's bill or a Republican bill. I would like to point out that this was a bipartisan bill. I believe that it passed the House with about 90 percent of the Members voting for the bill, and in the Senate it was just about the same way. This was certainly authored by both sides of the aisle.

As my colleague knows, a couple of the major provisions of the act that I think address some of the previously mentioned failings of our educational system are, first of all, accountability on the part of the students. Obviously, the testing in math and science, grades 3 through 8, is critical. It provides some standards, some evaluation because so often we found that students were simply being passed along because they were a certain age or had attended the grade before and had not really mastered the fundamentals. I guess again as a former coach, I knew that if you did not master the basics, the fundamentals, you were not going to go any higher. You were pretty limited in what you could account for.

Then also, of course, the parents many times were deceived because the child would simply be passed along. They would not realize really where that young person ranked in terms of his understanding of basic math and science. These schools also now, of course, are being held accountable. This has caused a great deal of anxiety and discomfort, as I am sure my colleague has heard and run into.

I think one thing that I would like to point out is that the bill does not label schools as failing. It simply says that those schools that are not performing in an adequate way will be given extra resources; and after 3 years of underperforming, a student may transfer from one school to another so they will not be trapped in an underperforming school. The State where I operate most of the time, out in a rural area with small towns, there really are not very many choices. You either are going to go to the local school or no other school at all. We find that most of those schools do a great job.

I would like to mention just three or four other things, and then I will turn it back over to the gentleman from Delaware. I think one element of No Child Left Behind that really addresses some of the issues in Brown v. Board of Education has to do with the disaggregation of statistics. We found that many schools on the face of it were doing quite well; and yet when you began to break it down, you began to realize that some of the subgroups, maybe those students who were disabled in some way, or maybe those students from different ethnic minorities, were really not making any progress, but there were enough students in the school that were scoring well to indicate that that school was doing well.

Under No Child Left Behind, the subgroups are required to make adequate progress as well. We think that this will really do some significant things in narrowing those achievement gaps.

Another misconception that I often run into as I travel my district regarding No Child Left Behind is that somehow the Federal Government is not doing an adequate job of funding. There is some debate in terms of the testing and all that type of thing as to whether it is adequately funded. The General Accounting Office indicates that it is. But still I think it is important that we point out that over the last 2 years since No Child Left Behind, the Federal funding has increased by $9.7 billion, which is a 35 percent increase. When you figure the cost of inflation is maybe 5 or 6 percent over that 2-year period, this is one of the largest bumps in education spending that we have seen in any 2-year period. We feel that certainly the funding has been very adequate.

I think one reason why so many people feel that the Federal Government is not holding their end up on this is that the States have lost so much funding and they have had to cut their spending on education; and even though the Federal Government is increasing, sometimes our increase is not as fast as the States are cutting. Greater flexibility, I think, is an important part of this bill.

Again, I will just address some rural issues which my colleague may not run into as much. We often find in small rural schools that they do not have grant writers, and whatever pots of money they access from the Federal Government are so small that they are hardly worth going after. In the No Child Left Behind Act, we are able to pool those moneys and use them in useful ways. That has been very helpful. We have also done some things where any school district with less than 600 students is able to qualify for an extra $20,000 to $40,000, which really has made a huge difference in those schools.

Then one thing that has been very important to me is the issue of mentoring, because we have seen so much more dysfunction over the years with our young people. When I first started coaching in 1962, I would say that maybe one out of every 10 young people was from a dysfunctional situation. When I ended up my coaching career in 1997, I would say that was pretty close to 50 percent. Roughly one-half of our young people grow up without both biological parents. As a result, many times schools are dealing with problems that parents at one time dealt with. If a child comes to school with a lot of unmet emotional needs, maybe he is being abused at home, maybe he is hungry, whatever, that child is not going to learn very well. We have found that it is very important that you provide a caring adult in that child's life. We have in No Child Left Behind provided some pretty significant resources for mentoring, including children of prisoners. Often a child of a prisoner, his main goal is to do hard time. That cycle has to be broken.

I guess the last comment that I would make is simply something that I think my colleague probably will flesh out a little bit in greater detail, simply that we are beginning to see the achievement gap narrowing a little bit, at least in some areas. That is in a relatively short period of time. That is encouraging. I think, as the gentleman has pointed out, there is definitely a link between the Brown v. Board of Education ruling 50 years ago and No Child Left Behind, which was passed in 2001. I think a lot of people may not make that link, but I think, as the gentleman said, that the No Child Left Behind legislation may be the most significant thing in terms of equality in our country since that ruling of Brown v. Board of Education.

I appreciate the gentleman having this Special Order tonight, and I thank him for giving me the opportunity to make a couple of comments.

Mr. CASTLE. Mr. Speaker, the gentleman's insight into this is as helpful as anybody I know in the entire Congress. His comments are highly appreciated. His continuing concern about the young people, the mentoring, the things that he cares so much about I think makes a huge difference in this country. We thank him for all his service.

I would like to just go back a little bit, Mr. Speaker, if I may. I was in State government for a long time, being a State legislator and then a lieutenant governor and a Governor. I always found it was very hard to

change education. Although I felt we really needed to change education, we needed to be more challenging in education, but there are those who felt that the status quo was the way to go. It was hard to get done. It was not Republican or Democrat. It was just very hard to deal with the subject matter of education.

I was invited in December of 2000 to go to Austin, Texas, to meet with the President-elect, who at that point had been declared the President-elect. I sat at a table with him. There were, I guess, four tables in the room and about 40 Members of the House and Senate or Members-to-be of the House and Senate. I remember that the gentleman from California (Mr. GEORGE MILLER) was there sitting right next to the President and others were there. During the election, I heard the promises about education, but I did not pay a lot of attention because it is an election, after all, on all sides. But when I sat there, I realized that here is an individual who really does care a lot about education and that maybe I better start listening to exactly and precisely what he was saying.

He started talking about No Child Left Behind. I cannot recall if it was called No Child Left Behind then, but he talked about lifting every student. My recollection from being in State government was that we could never lift every student. We could always prepare the students for the Ivy League schools, we could help some other students, but we never really helped those students who needed help the most. I always felt that we needed to do that in terms of early education, day care, Head Start. Now we have an Early Reading First program. You name it. Parents had to be more involved. A whole lot had to happen in early education. We needed full-day mandatory kindergarten if we could get it. We needed to give those kids that opportunity.

Frankly, it just simply was not happening, and it was a matter of great consternation to me. For the first time in a long time a light went off. I realized that what he is saying really makes some sense. We can really truly challenge in terms of what is happening in education. We had spent $300 billion on K–12 education since 1965. Yet there was just no really significant academic improvement in the achievement gaps between minorities, particularly African Americans and our Caucasian students and disadvantaged students and the affluent students in general just was not where it should be. We really had to do something about it. We had, frankly, in this country a two-tiered education system, and it is just simply not acceptable.

In fact, according to the most recent national data, by the time African American students reach eighth grade, only 12 percent can read proficiently and only 7 percent are proficient in math. Nationally, the achievement gap between Hispanic and Caucasian fourth graders is 29 percentage points. Those are deplorable statistics. They simply are unacceptable.

And No Child Left Behind came along. As the gentleman from Nebraska said, there are a lot of things in there that make a difference, but one of them is this, that is, that each individual would be put into a subgroup of one kind or another. If you have a subgroup of, in Delaware's case, 40; I think it is 35 in other States, individuals in that subgroup, be they low-income, African American, Hispanic American, learning disabilities, whatever it may be, that group is going to be rated on its testing. That school is indeed going to be rated as to making adequate yearly progress on the basis of each of those subgroups, and then the school district is going to be rated on all of the schools in that particular district.

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So, as a result, you had a circumstance in which literally everybody was going to be looked at in terms of their educational process. It is obviously much more complicated than that, but that was the basic thesis behind this particular piece of legislation. Indeed, we passed it, as was indicated, by about 90 percent of the House and the Senate, Republicans and Democrats, because we all felt education had to be better.

Well, it has been in place now for a couple of academic years, and indeed there are those who probably were opposed to it to begin with who are still raising questions about, are we spending our money correctly, is there enough money here, is this too demanding on the students, can they take these tests, because it does demand standards and assessments, and that involves testing in grades 3 through 8 and once again after 8th grade, or is this more than these kids can handle, is this really working or not.

But every time I read one of these stories of criticism, Mr. Speaker, I also read about what the various schools are doing to give those kids a better opportunity, and I see hope in that. I see for the first time in many, many generations of educating in America, that we are paying as much attention to the lower income, neediest academic students as we are to everybody else, and we are making special exceptions, and we are looking at various ways in order to really help these children improve from an academic point of view.

So, for that reason, I believe this disaggregation of statistics, breaking it down into subgroups, has made a tremendous difference as far as education is concerned. Yes, there are skeptics, and, yes, it is not easy, and, yes, there are those who would like to overturn it, but the bottom line is, in the lives of some people, it is making a tremendous difference.

Now, as to some of the flexibility issues, as was touched on by the gentleman from Nebraska (Mr. OSBORNE), I would like to comment on two or three of those. In the past 6 months, the Department of Education has issued three different rulings that exhibit the inherent flexibility in No Child Left Behind, as well the Department's willingness to respond when warranted. I would just like to go over these, and they are right here alongside of me.

The first one says under No Child Left Behind being flexible, flexibility on testing students with disabilities. This gets a little bit complicated, but we have essentially opened up the percentage of students that would be exempted from taking the tests, and it is 1 percent, or 10 percent of the students with disabilities in the school, and then the schools can apply for even more if need be, on the basis that not all these kids are in a position to handle the tests. And that has got to be found as to the right chord, so we have the right answer with respect to that, and we will continue to work on that. But the Department has shown some great flexibility.

Second, in February, the Department announced a flexibility policy with respect to how limited English proficient students are included in the school's adequate yearly progress. Really, to make a long story short, we are basically allowing those students to stay in that category for 2 years, so that even after they learn English, it would count in the second year, as well, to help with the scores in that area.

Third, in March, the Department responded to concerns on how to define a highly qualified teacher, still ensuring that every child in America is taught by a teacher who is skilled in his or her subject.

Pretty simple stuff. You want the teachers to be able to teach these subjects that they have studied to the students, and that is basically what the law says. But it also recognizes when you get to certain rural areas and other parts of the country, they may not be able to find teachers who are that specialized, so we have made some exceptions as far as that is concerned.

Then, finally, in late March, the Department issued a flexibility policy for how schools calculate student participation rates, which had to be 95 percent, when determining adequate yearly progress, again liberalizing that slightly in order to meet what we have to do.

It is also important to understand that each State has submitted a plan. I am very proud of my State of Delaware. I think they have submitted both a good plan, and they are looking at revising the plan to improve it based on 1 year's experience.

That is exactly what should be done, because we do need to get all of this in sync between the Federal Government and the State governments with respect to the planning, if we are going to be able to move ahead.

So I feel that No Child Left Behind has been a tremendous adjunct to Brown v. Board of Education for all of these reasons.

The funding issues have been raised by a number of individuals, and I need to share some of that information here, Mr. Speaker, if I may, because, and the gentleman from Nebraska (Mr. OSBORNE) said this, the funding has been well done as far as the Federal Government is concerned. The problem lies more at the State and local levels, simply because they do not have the money they need at this point. I understand that. That will probably come back.

But this shows the funding for programs under the No Child Left Behind Act has an increase of 42.5 percent in 4 years. That is over 10 percent a year. Some States vary. My State happens to have a little more than that percentage, so it does vary a great deal.

According to the U.S. Department of Education, Federal funding for these programs encompassed by No Child Left Behind has risen from $17.4 billion in 2001 to $24.3 billion; $17.4 billion to $24.3, 2001 to 2004, which represents in excess of a 40 percent increase in just 3 years.

Included in this number is funding for Title I, which is a significant part of all of this. You can see by the red lines which we have here how much Title I has gone up since No Child Left Behind passed.

That is basically, for those who do not know, the funding for disadvantaged students and schools. That was increased by more than $650 million this year, for an increase of $3.5 billion, and we have been increasing that on a rapid basis over the past several years, knowing that that money is needed in order to implement No Child Left Behind.

The gentleman from Nebraska (Mr. OSBORNE) also pointed out that in certain circumstances, schools can qualify for extra funding. Indeed, if schools have not made adequate yearly progress, then they have the ability to have more flexibility in their Federal funding so they can take money from various other programs, although not Title I, but other programs and move it around, up to 50 percent, in order to help them with their programs as we move forward.

We are beginning to see results. Remember, it has only been in place for 2 academic years. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African American and Caucasian, and Hispanic and Caucasian students in our Nation's inner-city schools, and they attributed the positive change, in part, to No Child Left Behind; and just last week, Florida and Michigan reported decreases in the achievement gap between African American students and their Caucasian peers.

This is an important day, and we should all honor the anniversary of Brown v. Board of Education and those that were so instrumental in the Brown movement. I have had an opportunity to meet many of them in the last year and to reflect with them on how far we have gone in ensuring educational access; and yet everyone says that we need to do more to ensure educational success, and that is something we do need to continue to work on.

But, indeed, the ball has started to roll. No Child Left Behind is the next step, which was absolutely essential if we are going to be able to make this work.

Now, for those who would argue that No Child Left Behind is not a step in the right direction, I would ask them to do a couple of things: One, I do not want to really argue with them. I want really for them to study No Child Left Behind, to truly understand what is in there and how they can work it to their advantage.

Secondly, to see what it can do to help a lot of children not being helped otherwise who, I think, for the first time ever, can be helped by No Child Left Behind, to study those individual schools, classrooms and school districts who have understood that and have made a difference as far as No Child Left Behind is concerned, and helping all of those kids, remember, in all those subject groups, particularly the lower-income kids; and then perhaps to look at the funding mechanisms and realize, gee, there is a heck of a lot more money going into education from the Federal Government level than we ever realized. Then they would realize that this truly is a step, is truly a giant step in the right direction, as far as education is concerned, and we must stay that course.

I think any attempts to change this system, to return to the old methodologies or the status quo, would be effectively preserving a system which has not worked as well as it should for all the young people of our country.

America today in 2004 is a true polyglot. We are indeed a country in which people have come in from a variety of other countries. They speak different languages, their color of skin can be different, their religions can be different, their educational opportunities historically in their families may be different.

But we have a responsibility to give them that opportunity in life, which has always been what we have done in America, and we needed to challenge education in order for that to happen. Indeed, I think that Brown v. Board of Education was a challenge, and a welcome challenge, but a new challenge was needed, and No Child Left Behind did that. And I believe it is in the interests of our young people, and I believe if we stay the course, if we do this properly, that we will again rise to the top, where we used to be on all educational standards in this world, and not just for those top students, but for each and every student in our schools in America.

So I urge all of us to pay a lot of attention to what we are doing on the Federal, State and local levels, and make absolutely sure we are doing all we can to help the children of America.

CELEBRATING THE DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, let me say what a rare privilege it is to come to the floor this evening to talk about this coming Memorial Day weekend, particularly on May 29 when we as a Nation will not only celebrate Memorial Day, but the dedication of the World War II Memorial on our Nation's Mall of Democracy.

This evening, I would like to talk a little bit about the history of that memorial, how it happened, and refer in particular to a brand new book that has just come out called ''Their Last Battle,'' by Dr. Nicolaus Mills from Sarah Lawrence College, which so well documents the history of this memorial's construction.

When we think about the memorial, obviously it is to the most unselfish generation America has ever known. And if we think back to our own history, the location of this memorial at the center of our Mall of Democracy, between the Washington Monument, which represents the founding of our Republic and George Washington as our first President in the 18th century, and then on the other side, close to the Potomac River, the Lincoln Memorial, representing the preservation of our union in the 19th century and President Abraham Lincoln, and then this memorial, representing the most important achievement of the 20th century, the victory of liberty over tyranny in a just war.

The World War II generation is one that never asked for anything for itself. There are those that asked, well, why was a memorial not built before? It was simply because they would never ask anything for themselves. It was up to the baby-boom generation, people like myself, who were not even born during that period of time, to say, thank you, a grateful Nation remembers.

The sad part of this memorial's unveiling and formal dedication in about a week-and-a-half is that of the 16 million Americans who served, but 4 million are living. We have tried for so very long, 17 years, to make this memorial a reality, and this book describes the long legislative battle which began in this House for the memorial's construction. Indeed, the first 20 pages of ''Their Last Battle'' would be excellent reading for any history, civics or government class in our country, to understand how hard it is to do something so meritorious.

I would like to tell some of the true story tonight of what actually happened in achieving this great national

monument. In Mr. Mills' book he says at the beginning of the preface, ''For centuries to come, the National World War II Memorial, like the Washington Monument and the Lincoln Memorial, will be viewed as a symbol for who we are as a people.''

Yes, it will help future generations place the 20th century in proper perspective, with the fulcrum of the 20th century being World War II, what preceded it and what followed it.

The United States, in experiencing the bombing of Pearl Harbor, was really unprepared for war. Our machine tool and steel industries at that point had been deteriorating, and America was not a country that sought to engage itself internationally during that period. But coming out of World War I and a peace treaty that was flawed, with no assistance for the vanquished nations that fell into economic chaos, World War II came slowly, but it resulted from extreme governments rising in places like Nazi Germany and Imperial Japan.

America preferred to remain isolated from the world, and received a rude awakening December 7, 1941. The mobilization that occurred during the last century was something the Nation had never experienced. Sixteen million Americans were called to duty, and that does not count those who served on the home front in war industries, in factories, like our own mother, Sherry Kaptur, who served at Champion Spark Plug making spark plugs that went up into the airplanes, and making sure that the workers in that plant made no mistakes, so that plug did not sputter and a plane would not come down unnecessarily in some far remote place around the world; like our father, Stephen, in the Willys Overland plant, making the Jeep that became known throughout the world during that war.

They were representative of the millions and millions of people that came together in this country, who helped to achieve an allied victory.

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I remember growing up as a child and our uncles, Anthony Rogowski, who was a member of the Office of Strategic Services, the OSS, and the Army, flying behind and parachuting behind enemy lines in Burma, in India, in China, the war wounds he brought home with him, the malaria that he experienced throughout his life, being knifed in a fox hole. I remember as a little girl how much his hands would shake when he would get those attacks. And he would tell me, and I was so young and I did not really understand everything he said to me. I remember when he gave me his expert rifleman's pin and tried to understand what his stripes meant and what his promotion rank patches meant.

After his untimely death at age 57, I can remember looking at his flight jacket as an adult, and I thought how small it looks, because when I was a little girl he looked so big to me. And I remembered his valor and his patriotism. And our uncle Stanley Rogowski, I can remember him not talking about the war very much. I can remember him saying in December of 1944 how he ate frozen K rations in northern Europe after the Battle of the Bulge, having gone through that, climbing over the dead bodies over the cliffs of Dover and then moving into the campaign across northern Europe into Belgium, and ultimately moving down in the Push to Paris to free France.

It was not until a few months before his death in the early 1990s that he came to me in our kitchen at our family home in Ohio. He handed me a religious medallion, a scapular, and he said, Marcy, if anything happens to me, this has always been with me, just make sure I have it.

I kind of looked at him quizzically. I was in the Congress then. He seemed to be okay. He seemed to be doing well, but six months later he died. That was the Sacred Heart Medal he kept with him from the time he left the States as an infantry man in the U.S. Army until he died.

I mention those stories because back in 1987 when another Army veteran, Roger Durbin from the Buckeye State of Ohio, shouted across the room at me in a placed called Jerusalem Township, Ohio, where the annual Lucas County Township Trustees banquet was being held, their annual dinner. I was walking across the room, and I heard a voice say, Congresswoman KAPTUR, why is there no World War II memorial in Washington where I can take my grandchildren? I remember turning around saying, Who is talking to me? And I saw this man way across the room, and he had a grin on his face. His eyes were twinkling and he had gray hair, and he was standing very sturdily there. There were hundreds of people at this banquet, and they were all paying attention. And I said, Well, sir, I think there is a memorial. He goes, Oh, yeah, what is it? And I said, Well, sir, I think it is Iwo Jima. And he said to me, Wrong. That is to one service in one campaign. Congresswoman, there is no World War II memorial in Washington where I can bring my grandchildren.

I walked up to him and then began a very long friendship with Roger Durbin of Berkey, Ohio, population, I think it is about 265. And we began an effort over many, many years to build this memorial. I thought it would be easy. I am told by the historians at the Smithsonian that actually we have achieved the construction of this major memorial in much shorter time than the other memorials, the Lincoln Memorial, the Washington Monument, and many of the other monuments in this city.

This one is particularly significant in its placement and its meaning. I felt we could have gotten it completed by the 50th anniversary of allied victory, which would have been 1995. But by 1995 we had only achieved the passage of two related bills to create the memorial and to fund the first several million dollars of architectural and engineering plans through the sale of memorial coins. And I want to thank President George Herbert Walker Bush who signed the first bill for the memorial and President Bill Clinton who signed the second bill after three separate Congresses had labored to pass those pieces of legislation, and it was not easy.

There were many delays. There were many questions during that early period. And I want to place on the record this evening my deep appreciation to Congressman Sonny Montgomery of Mississippi who is retired now, but who helped us so much; Congressman Bob Stump of Arizona, who unfortunately passed recently. I also want to thank Congressman Bill Clay of Missouri, who has retired now; Congressman Henry Gonzales of Texas, who has passed. His son serves here from Texas, San Antonio. I want to thank Congressman Esteban Torres, who helped us a great deal on the banking committee in those days, helped pass those coin bills. And also from the other body, I want to thank Senator John Glenn, now retired; and Senator Strom Thurmond, who has passed.

There were so many people, so many people who helped us, as we struggled up hill to get the 218 signatures on both sides of the aisle; and we did try to make it a bipartisan effort. And I also want to thank all of those people in the agencies, in the American Battle Monuments Commission, the Department of Interior, Park Service, those who helped us move the idea to the point where we can now present to the Nation.

Being a Buckeye from the State of Ohio, we are particularly proud that this idea was Buckeye-born and Buckeye-led. And in about a week and a half it will be turned to the Nation for history. Now, Mr. Durbin never said to me, I want this for our generation. He only said, he said he wanted it for his grandchildren so he could bring them to a place and show them the causes for which he had fought, and what he and his wife, Mary, and what their lives had been about.

I thought it was very coincidental, and I said a little bit earlier today, somewhat providential that when the plaza at the memorial was opened a few weeks ago, the very first group through was an Ohio group of students from Jones Junior High School in Toledo, Ohio. They were there early in the morning, and the NBC camera crew with Tim Russert was down there on the site. That was totally unplanned. And I felt Roger's hand in all of that because he would always go out to the children as we were trying to raise money for the memorial, and we would talk to them at the schools, and they would collect pennies, and they would help contribute dollars to this memorial.

It has been so heartwarming to see the children of America appreciate

what their great grandparents did; and that the real strength of this country is in our families, in our memories and what we bring here and we try to have into the fabric of America for the present and for the future; and surely this memorial does that.

There is a section of this book by Mr. Mills that says the following: ''At the graveside of Roger Durbin that he had chosen for himself and his wife at Wolfinger Cemetery just a few miles from their home, Mr. Durbin would however leave behind a reminder of how he wanted to be remembered and how so much of what he did in the last decade of his life depended on memories that nothing could change. There at the Durbin graveside chiseled on a blue granite tombstone would be list rank, Tech 4 U.S. Army, his birth and death dates, April 18, 1920 to February 2, 2000; and the distinct lightening bolt and tank tread insignia of the Tenth Armored Tiger Division.''

I can remember back in 1995, Veterans Day, when Roger and I stood on the site where the memorial will be dedicated and we broke ground. And we literally dedicated that site initially, and soil was brought from 16 U.S. cemeteries around the world plus Arlington and placed there. And a flag at that the time was hoisted and was ultimately folded, and President Clinton then presented the flag to Roger Durbin. And Roger turned from the crowd and he began to weep. And he said to his wife, Marion, Marion, I want to be buried with this flag.

And I can tell you for history's sake that Roger was buried with that flag in the year 2000. He had wanted nothing more than to be with us this coming Memorial Day weekend to see this actually happen and to see this dream come true for all of America's grandchildren. But he somehow knew at the end that he would not make it until this point.

He called me over to his house about 2 weeks before his death in the year of 2000, and he had a rendition of the memorial above his fireplace. He said, Marcy, come here. I want to show you something. He took me to another room, and he was suffering from pancreatic cancer at that time. And he took me into his private room and he showed me all the furniture that he and his wife, Marion, had inherited from their parents and grandparents, beautiful cherry furniture. Then he pulled from under the bed a big box. It was kind of like a foot locker, and he opened it up and he took out this scrapbook. He said, Marcy, I want you to know about this in case something happens. And I said, Roger, what is that exactly? I started paging through a carefully kept diary, page by page in see-through pages, plastic pages where each letter, each bill, each news story, each letter was catalogued and documented.

He was a letter carrier after coming home from the service, and it was meticulously kept. And I know what a treasury those scrapbooks are to the Nation. They really belong in the National Archives. But Roger did not want them to go astray or be misfiled or mishandled in any way. But what a patriot. And what a citizen. He understood the importance of history and of marking history and of explaining history. And he is someone whose education was stolen from him. He could have had a Ph.D., yet he was called off to war and he had to interrupt his life when he came back. Obviously, there were adjustment issues as any battle-scarred veteran well knows, but he did all of this.

This construction of the memorial became a last calling for him in the last years of his life. And I just feel so privileged as a member of the baby boom generation, knowing the history of our family and all of the people from our country knowing the sacrifices that they have made, to have been a part of this, to have been able to be a real representative which is the way that our government should work, to take this idea from the people, to bring it here, and to make it happen and to give it to the future.

When we think about the World War II generation and that war, its causes, a world that politically could no longer hold, an extremism rising from the chaos that World War I had bequeathed to the future, and no group of political leaders internationally able enough to put the pieces back together. And then this horrendous war in which 70 million military participated from all of the allied nations and 17 million people died, 17 million; 406,000 people from our country died.

At this memorial there is a wall of remembrance with gold stars representing each 100 that died. And when you look at the wall, those stars are then reflected in the fountain and pool. In essence, you see a reflection so each star really represents every 50 that died. And over 800,000 injured just in this country. Then when you think of those that perished globally, over 50 million people died.

Historians are just beginning to tell us that inside the Soviet Union under the horrendous dictatorship of Joseph Stalin, 50 million people died just there. So I think that the numbers will increase as history begins to accurately count as well as it can what happened. But any member of the World War II generation coming from that carnage tried to create a world different than the one that they had lived.

And I guess it is not surprising then that the North Atlantic Treaty Organization was set up, NATO, and became the most important military and strategic alliance globally, where the allied nations bound together in a real partnership and tried to keep the peace. And the major challenge that they faced after World War II was the Soviet Union under a very communist regime for many decades, which at the end of 50 years finally collapsed without a shot being fired because of the strength of NATO and their understanding of containment and of allied unity.

□ 2045

That was something that Mr. Durbin's generation gave to us; and then following World War II, unlike World War I, the Marshall Plan and George Marshall coming before a university audience and in a 12-minute speech, not a 25-minute or hour speech, a 12-minute speech declaring that there would be a Marshall Plan to rebuild the vanquished nations, unlike after World War I when the vanquished nations were left to fall and, from within that chaos, these extremist governments rising. So the Marshall Plan.

Then the importance of allied unity, a real alliance, a transatlantic alliance that has held until the present day, our great friends in Germany, in France, in all of Western Europe and the broadened alliance with the new nations, newly freed nations, Hungary, Poland and so forth.

Then the United Nations. Not a perfect creation, but a place where dialogue could occur in order that the carnage that Mr. Durbin and the World War II generation faced just might not happen again, trying to build the creation of the World Bank, world institutions to handle currency exchanges. They tried so hard to shape institutions so that what they had suffered would not be foisted on the world again. We have so much to learn from them.

So a week and a half from now, when we dedicate this memorial to the World War II generation and to all they built abroad and at home, we have so much to learn.

We think about the post-World War II era when they came back home and the GI bill created the financing for home ownership, and ordinary families were able to, for the first time, really own a piece of the rock; and in 1952, President Harry Truman integrating the military in deep appreciation to those citizens of color who had fought two wars during those World War II war years. They fought the military battle, but then they fought the social battle, the civil rights battle, to gain full recognition and full appreciation for their service to our country, which President Truman then finally acknowledged.

Women's rights growing out of the victory of World War II, women working in the plants, displacing those men who had been called to service, and women working outside the home becoming nationally accepted behavior, very different from before World War II. Women in the service, as well as women in the nursing corps, helping to establish a platform for themselves and be accepted in the world of employment in the way that they had never been before.

In Mr. Mills' book, in the very last chapter, and I would just like to end by reading this this evening, he says: ''For

an America that in the wake of the September 11 attacks has felt threatened to a degree unknown in this country since the bombing of Pearl Harbor, such homage is more than just a final tribute to a parting generation. It is also an act of self-preservation, a way of reminding ourselves of our ability as a Nation to come together in a crisis and, by extension, a way of linking ourselves with a generation that dealt successfully with years of crisis. 'Earn it,' says a dying John Miller, the Army captain played by Tom Hanks in ''Saving Private Ryan,'' to the young Private Ryan, whom he and his squad have found at great cost to themselves so that Ryan may leave the war and return to his mother, who has already lost three sons in battle.''

''Earn it,'' he says.

Fifty-nine years later, the National World War II Memorial has become one more way of ''earning it,'' of acknowledging all that has been made possible by the sacrifices of the World War II generation. And on Memorial Day and the May 29 weekend, and in a ceremony to be held this Thursday here in the Capitol in Statuary Hall, there will be two handmade United States flags that have been made in the State of Ohio in our home district, the 9th Congressional District, and the headers on those flags read as follows: Made in Lucas County, Ohio, U.S.A. A grateful Nation remembers.

We have the letters of the two public laws that were passed in order to make the memorial a reality, and then there is the ruptured duck logo that every World War II veteran received upon discharge. The threads in the 17th star on that flag include threads from the sewing basket of Marian Durbin, the wife of Roger Durbin, as well as from our family, as well as from the home post of Roger Durbin, the Dean Post in Lucas County, Ohio, as well as from many of the women in the Embroidery Club of Northwest Ohio, whose parents participated in the war. That 17th star, because it is the Ohio star, is embossed just a bit, all according to regulation.

One of the flags, upon completion and having been flown over every county in the 9th District, was flown around the world to every cemetery where we have U.S. troops buried or commemorated as missing in action. The very last stop was Manila, Philippines, before it was brought back home here to Arlington and flown, and it will be here in the Capitol for this Thursday's ceremony.

The other flag remained stateside and worked its way to the Ohio State capitol and was flown over the capitol, and now has been brought here to the Nation's Capitol for official hoisting this Thursday.

When we do this, one of the flags will be flown in honor of our World War II veterans who are still serving in this Congress, including the gentleman from Michigan (Mr. DINGELL), whose seniority numbers one here in the House; the gentleman from New York (Mr. HOUGHTON); the gentleman from Illinois (Mr. HYDE); the gentleman from Texas (Mr. HALL); the gentleman from Ohio (Mr. REGULA); and I believe the gentleman from Florida (Mr. BILIRAKIS).

So we pay tribute to those among us, as well as to those who have passed in service to our Nation. We remember them all, and we thank all the World War II veterans.

We thank Senator Bob Dole who has chaired the fund-raising committee for this memorial, for championing these efforts so that the funds were raised privately. It is so important to remember that of all of the contributions, nearly $190 million has been raised mainly from private contributions, from individuals, from school children, from fraternal organizations, from veterans organizations.

Our States have contributed dollars to the construction of the memorial, many private companies, many small businesses. I think in the State of Ohio the largest association that made a contribution were funeral directors, the Funeral Directors Association of the State of Ohio. Across our country, including school children, thousands and thousands and thousands of children have made this memorial possible, and there can be no finer tribute to America's most unselfish and greatest generation than the love and remembrance of those grandchildren.

WORLD WAR II MEMORIAL

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me first identify myself with the remarks of the gentlewoman from Ohio (Ms. KAPTUR) whose very eloquent and heartfelt remarks certainly touched our hearts, and her actions and her activity and all of the diligence that she has put into this, and the hard work and commitment she has put into this project is to be commended. There are those of us that stand in awe of the gentlewoman from Ohio (Ms. KAPTUR) and all the work she has done for this generation.

I take it as a personal favor to my family that the gentlewoman from Ohio (Ms. KAPTUR) has been doing this because my father, of course, is part of that generation, and everything she said about those brave men and women applies to my father, who served in the Marine Corps during the Second World War and who left a poverty-stricken-type of family background in North Dakota to walk off, save the world, save the world from the dread and the tyranny of Japanese militarism and Naziism. Certainly this heroism is something that we owe such a great deal to.

So, Mr. Speaker, tonight first let me tip my hat to the gentlewoman from Ohio (Ms. KAPTUR) and those who put such a lot of work into this project.

ILLEGAL ALIEN INVASION

Mr. ROHRABACHER. Mr. Speaker, let me just note that the person who alerted me to the subject I will talk about tonight was a World War II veteran. His name was Frank Casado, a very proud Mexican American, who owned and built Lucy's Restaurant in Los Angeles. Frank later became very politically active. He was a Democrat, I might add, but he was a very close friend, and I would go to his restaurant as a young reporter and then as I worked in Ronald Reagan's staff in the White House; and Frank would always pull me aside and say, ''Dana, you have got to do something about the illegal alien invasion of our country. You have got to do something about it.'' If there ever was an American of Mexican descent it was Frank Casado.

Frank joined the Navy in World War II, and he always prided himself that he had been on the boxing team and been one of the contenders of the championship of the fleet, and he was a very, very proud man. He was proud of his Mexican heritage as well, but he knew that the flood of illegal immigrants into our country was bound to bring us down, and if we can do anything to keep faith with those veterans who have sacrificed so much for our country over the years, it is that we should have the courage to face the issue of illegal immigration and to deal with it, to understand that those people who fought and died in World War II and have sacrificed over the years for our country to create this wonderful country of ours, they would be appalled to know that we are afraid to discuss the issue of illegal immigration, afraid to discuss the issue that perhaps is the greatest threat to America's well-being today, and that is an onslaught, an uncontrolled invasion of, yes, good people but people who will have a dramatic impact, negative impact on the American way of life. They did not give their lives in order to make sure that this country could be taken over by anyone who would thwart our laws and basically massively come into our country illegally.

We need to have the courage to face the issue. Frank Casado, as I said, first alerted me to how this major influx of illegal immigration was changing the nature of California as he knew it and as he grew up, because he was a native Californian. He was a man who grew up in Los Angeles and described for me how this massive influx of illegal immigrants was bringing down the people of his community. People who should have been on the upward path instead were being brought down by a flood, an uncontrolled flood of illegal immigration.

Let us keep faith with those people who defended this country and won our freedom and wanted us to live in a high standard of living and wanted our people to have a good country. Let us keep faith with them.

□ 2100

And certainly let us not do one thing, let us not permit the benefits that we give to illegal aliens to have a negative impact on these very same senior citizens, these very same soldiers, whether defeated Hitler or Tojo.

In fact, today we have a very limited amount of health care dollars. At a time when our economy is moving forward, but not as strong as it was, let us say 10 years ago, we need to make sure that every dollar counts. Because if a dollar is not spent most wisely, the people most affected will be our senior citizens and also will be our children. And so, today, I plead a case for these seniors and these children. Let us not dissipate the funds that are available to take care of our seniors and our children in order to provide services for illegal immigrants who have come here thumbing their nose at our law and blatantly and arrogantly breaking the law to come here.

And, yes, these are generally honest, good people, coming here to improve their lives, but we cannot afford to take care of all the good people of the world if it means, and it will mean this, that we will have to cut back on what we give to our own citizens.

I rise tonight to alert my colleagues to a vote that will be taken tomorrow on the floor of this Congress, a vote that will mark a turning point for our country or it will reflect a continued unwillingness by America's elected officials to do anything to protect us from what I am calling, what I believe to be the greatest threat to our national security and well-being.

Now, again, what am I talking about when I say that? Tomorrow morning, there will be a vote on legislation that I have offered, H.R. 3722, which will attempt to protect us from a major decline in our quality of life and a decline in quality, I might add, of the health care we have for our seniors and our children due to the uncontrolled onslaught of illegal immigrants into our country and into our hospitals and into our emergency rooms.

If left unchecked, illegal immigration will destroy everything which those World War II veterans were fighting for: a decent quality of life for our people, a government that is reflective of our values, and a country in which we can take care of those who are in need because they are people of our communities and of our States and of our country who have also served our country, whether they be Mexican Americans, like Frank Casado, or black Americans, or Caucasian Americans, or Asian Americans.

We have a country of rich diversity, but all of us need to stick together and care about each other more than we need to care about people who would come into our country illegally and dissipate the funds that are needed for these other Americans and even our own families to get the education and health care that they need.

It is unforgivable that our government has refused to act when the evidence is so clear. Millions of people are being permitted to get into our country and then to stay in our country illegally. And this is having an horrendous impact on our standard of living, on safety in our country, and on the quality of life of average Americans.

For tens of millions of Americans and local and legal residents, real wages have stagnated over the last 15 years. We have seen a major increase in our standard of living and in the statistics that indicate how much wealth our country is worth; yet we have a huge number of people, citizens and legal residents, who live here and have not seen their standard of living increase. In fact, they see all the time little indications that their quality of life is going down, whether it is the fact they cannot afford to buy tires for the family car, or their children cannot afford to buy a home, so they have to stay at home now because they cannot afford to get a house of their own, or the fact that their kids are not expecting really to have a good job. They see these indications that something is happening to our country, where the middle class and working class people are not living as well as they did before and, in fact, have been cut out of this huge increase in the wealth that has taken place in our society of these last 2 decades.

Well, the answer is very clear. The factor that is intervening is a massive flow of illegal immigration that is undercutting the ability of our own people to have good-paying jobs because we are holding wages down with an influx of illegal immigrants. And we are also taxing all of the services provided to our people, the people who have worked all their life to pay taxes; and sometimes, what is happening is, illegals will come into our country and they will not be paying taxes. They will work at jobs where taxes are not paid, and they will bring their families in to consume those benefits in education, health care, and otherwise that are meant for our own people.

Our education and the education of our children has been undermined. Real wages have stagnated. Our health care resources that are necessary to take care of the health of our people have been depleted and the safety of our streets and neighborhoods, and thus, yes, the safety of our families, has been compromised. This is not a back-burner issue. Illegal immigration and how we solve it, or if we ignore it, will determine what America is going to be like tomorrow.

This deals with a crisis of today. It seems to me that we have political people here whose only real goal is to prevent a crisis of the moment. Let us not have a crisis now; let us put that off. Well, I say, no, we need to deal with the threats to our country, just the way the gentlewoman from Ohio (Ms. KAPTUR) was speaking about the threats to the world and to our country that loomed there 50 years and 60 years ago when Hitler and Tojo threatened the world. That generation, the Greatest Generation, did not turn its back and simply say let us try to find a compromise and it will go away. They understood that unless something was done, unless the issue was looked at with courage and with conviction that the United States would cease to be the country that they had inherited from their families and their parents.

So, today, this attitude of elected officials that we should do anything to get away from confronting this issue, let us not have a crisis today, let us not have a confrontation on it today, this works totally contrary to the tradition that we have had that has kept our country free and prosperous. Elected officials have basically remained silent about illegal immigration. Every poll that I have seen, and I include the polls of Americans of Mexican descent, indicates that the vast majority of our people are angry and upset with the fact that illegal immigration is permitted to go uncontrolled and that illegal immigrants are pouring into our neighborhoods and destroying our way of life and the quality of life and the possibility for better jobs for a whole segment of our population. The American people are angry that their elected officials refuse to deal with this issue.

The American people need to ask themselves: Why is it, why is it that elected officials refuse to even think about confronting illegal immigration? Well, a large number of American people, as we know, are deeply troubled and enormously concerned about the onslaught of this massive flow of illegal immigration in the United States. So why are our officials not acting?

First and foremost, I believe that many elected officials have been intimidated from addressing this burning issue. Now, when I say intimidated, what does that mean? Today, in the debate on my bill, 3722, which we will talk about later, one of the Members came forward and said this represents mean-spiritedness. And, of course, that means racism. That is a little catch phrase for racism. And also I was pulled aside by several people after the debate, oh, you should not bring this up, because they think this is a racist attack.

Racism. The elected officials of the people of the United States are afraid to be called racist. They are afraid to be called mean spirited. Well, I can be intimidated in a number of ways, but I can tell you it means a gun or a knife. They can call me all the names they want, but I am confident in my own heart that I am dealing with this issue and other issues based on a love for humanity; and more than that, and I will admit this, a love for the people of the United States of America, in gratitude for the contributions and the sacrifices that people like those people in the Greatest Generation, people like my father and the others the gentlewoman from Ohio was talking about. The sacrifices they made give me strength and give me the willingness to know that I am trying to do things that are positive.

And I will not be intimidated because people are willing to call me, and try to use the tactic of calling me and others, a racist. I will tell you this, the label of racist and hatemonger has caused fear throughout Republican ranks. The liberal left knows this, and they constantly try to play that card. It is time for the American people to totally reject this type of racism in and of itself, the people who bring up racism in order to defend policies that should be discussed on the merit.

Unfortunately, as I say, when someone says you are a hatemonger, most Republicans just wither away because they are afraid to be called hatemongers. They basically know, as I do, that most illegal immigrants, if not all illegal immigrants, are wonderful people. Ninety-five percent, let us say, or ninety-nine percent of illegal immigrants who come to this country are wonderful people. But this is not a debate about whether illegal immigrants are themselves bad people. We can care about them. They are probably good people. And we can care about the rest of the world. But that does not mean that we have infinite resources here in the United States so that we can provide benefits and goods and services and a place to stay for anybody in the world who can make it to the United States.

If we try to do that, if we are cowed from discussing the issue because we are afraid to be called racist because we know we have to draw a line somewhere or it is bound to bring our people down, if we keep doing that, what is going to happen is that our citizens are going to experience a major decrease in their standard of living. A threshold will be reached and the American taxpayer will be spending more and more, and yet our citizens will actually be living lives that are not as high in quality and filled with opportunity as when the tax rates were even lower.

It is not hateful nor is it being racist to use scarce resources, like the amount of tax money we have, the amount of health care dollars we have, the amount of education dollars we have; it is not a racist thing to say we are going to provide for our own people first, realizing that our own people come from every race and every religion and every ethnic group. That is what makes us so proud to be Americans. But if we do not think of our own citizens first, then we have abandoned the one thing that ties our Nation together, and it is a feeling of love and solidarity with all other Americans.

Let me say that I believe even if we take this down to the family level, and we say some family that works hard, saves their money, and spends their money that they have saved on their own family, on their children and on perhaps their father and mother, are these people actually filled with hate, are they hatemongers, do they deserve to be called that simply because they refuse to spend money on the needy people down the street rather than on their children's education or health care? Well, I believe that it is not hateful. It is not negative to try to take care of your family first. And no one should apologize that that is the policy of our government or that that should be the policy of our government, which is what we are advocating today.

That does not mean you do not care about your neighbors or that you do not care about the neighbors down the street. But first and foremost caring for your family is in and of itself an act of charity and love. And let us never forget that charity begins at home. And for us to be giving away the limited dollars available for health care in this country to people who have come here illegally, and taking the money away from that pool of money that should be going to our own citizens, our own children, our own senior citizens, to that great generation that the gentlewoman from Ohio talked about it, is sinful. It is sinful for us to take it and give it to strangers, many of whom have never contributed anything to the country.

Now, yes, some illegal immigrants have contributed, but let me note that many illegal immigrants who come here do not work at jobs where they take the taxes out of their paychecks. Then they bring their families, and so their families are basically being taken care of by the taxes that come out of our pockets, that we gladly gave to take care of our own families and our own fellow citizens, but these other folks who have come here illegally often do not pay any taxes at all.

□ 2115

To make matters worse, the employer that employs them and gives them a job and then pays them under the table more often than not does not give them any health care benefits. Thus, they do not pay taxes, are taking away the benefits, the health care benefits, that should be going to our own people who are paying taxes.

I say this not because I dislike people, but because I do like people from other countries. Our greatest asset is that we are a country that is made up of people of every race and every religion. But I say this, every person who is an American and who is here and conducting him or herself in a legal way and trying to live their life as best they can, these people are part of our American family, and we need to care more about them than we do to take care of someone, even though he might be a good person, or the family that comes from China or Latin America, that we need to take care of our own people first. It has nothing to do with race.

The people that are involved in the United States of America, they are good Americans who come from every race and every religion, but we cannot take care of every wonderful person in the world. If we try to, we will hurt our fellow Americans. We cannot try to do everything for everybody, especially when we mean everybody in the world, and expect that we will be able to do anything for anybody, and that includes anybody in the United States, because our system will break down.

As Members hear this debate about illegal immigration, whenever we try to draw a line, the other side chastises us for it as if we are being mean-spirited. Where do they draw the line? The Members opposed to H.R. 3722 seem to believe we can give unrestricted and unlimited health care benefits to people who have come here illegally and it will not impact the American way of life or quality of life of our own American people. That seems the height of naivete.

But there are other Members who are not naive at all about this issue. While we are proud of Americans, of every race and religion, these other people have another motive on wanting to have illegal immigrants coming into our country, and it is not just to be benevolent.

But let me get to this issue and that is the idea, and we hear this because it is not just racism that is charged, but those of us who want to do something about illegal immigration, we are being charged with the idea that we are anti-immigrant. I believe around 15 percent of the population are immigrants. They are a sizable force in our communities, and they are doing great things for America, great things.

In fact, one of the things we can be most proud of in the United States is that we permit 1 million immigrants to come here every year, along with 400,000 refugees from many of the horrible spots around the world where people live in total desperation. With a population of 280 million people, I believe we can absorb 1 million immigrants a year along with 400,000 refugees. That is our contribution to the world.

That figure represents more legal immigration into our country than is permitted in all the other countries of the world combined. All of the other countries of the world combined do not permit a million immigrants into their country. But just in the United States, we permit a million people to come here, along with 400,000 refugees.

It has worked well for us because people who come here legally must be healthy, they cannot be bringing diseases into the country, they need to be honest, and they need to be self-supporting or they are not permitted to come in. That is a wonderful thing. I think legal immigration is something we can all be proud of because, of course, Americans are immigrants. We are a nation of immigrants, and proud of it.

In fact, every American immigrated here, and that includes Indian Americans who at one point emigrated from the Siberian tundra when there was some sort of ice bridge between Asia and the New World, so we are all immigrants here. But we have come here to prove that we can show people how to

do things and have a better way of life. We did not come here, however, to take responsibility for the health care and the benefits for everyone in the world.

We have people now who are coming and swarming into the United States above and beyond that million people. There are probably 2 or 3 million illegal immigrants that are coming here every year, but that is just a guesstimate. They are coming here without control, so we have no idea whether they are criminals, whether they are bringing diseases to our country, and perhaps they might be terrorists. Perhaps they want to do us great harm because they identify with Islam or some other faith and hate the United States. Maybe they are coming in as illegal immigrants. We do not know. The fact is by bypassing the legal system, they have thumbed their nose at our law and they are putting us in jeopardy because we do not know.

I want to draw my colleagues' attention to the dire consequences of not stemming the uncontrolled flood of illegal immigrants into our country. Every day tens of thousands more illegals arrive in our country. If they are sick or criminals or they are terrorists, we do not know. This is a catastrophe in the making. It will lead eventually, if left uncontrolled, to a destruction of the American way of life or a major crisis in our country in which our people will suffer greatly.

The American people see what is happening. They know, they can see what is happening in our cities and in our communities throughout the country. The American people are seething with anger, and every poll suggests 60 to 80 percent of the American people are outraged that nothing is being done and their country is being taken away from them by an uncontrolled flow of illegal immigrants from other countries. Where is our courage? Where is our tenacity?

Yes, we stood up to the Japanese empire during World War II and the Nazis and the Communists after that, but now we are going to give our country away to other people who come here illegally thwarting our laws, thumbing their nose at our way of life in order to come here and consume the resources that have been put away by our mothers and fathers, and squander all of the institutions that we have invested in for our own children?

I think the World War II generation, and every time I have spoken to them, they are ashamed that we are not doing anything about illegal immigration, and they give the most support of any segment of our society in the demand to do something about illegal immigration.

Every time it comes to a vote, we can see that the American people do not like and are upset about illegal immigration, and they are upset that their elected officials are not doing anything. Elected officials are blowing smoke in the faces of their constituents. They are refusing to be honest about this issue, and we need to have an honest discussion between the elected officials of this country and the American people about illegal immigration.

There was a direct vote by the people about 10 years ago, Proposition 187, in California. Every news media was against it. The establishment of California was totally opposed to Proposition 187. It was going to lose. People were being attacked for being racist. And I know I was attacked as a racist skinhead for supporting Proposition 187. Although you could not tell it from the commentators who were saying what a great disaster it was for the Republican Party, no, Proposition 187 passed in a landslide, a landslide even though all of the major interest groups were against it and all of the major media were trying to bringing it down.

Even though an overwhelming number of voters voted for Proposition 187, it was portrayed immediately thereafter as a loss and something the Republican Party should really worry about. Let me note that 1994 was the biggest year for Republicans to gain seats than in any other election in my memory.

Let me also note, when we examine the issue of illegal immigrants, that Americans of Mexican American descent like my good friend Frank Casado, they are just like other Americans. They believe that illegal immigration is an evil that is doing great harm to our country, and about 50 percent of the Mexican Americans are with us when we want to make a stand because their children and their homes and their families are the ones suffering the most by the negative impact that goes on, economic impact and elsewhere, when our country ends up flooded by illegals.

So the Mexican American community, however, was told afterwards you have to be against 187. That was drummed into their heads. Even today, examine the polls. The majority of people who are Americans of Mexican descent, people who are citizens or who over the years came here legally, those people are with us. A majority of those people are with us.

Let me note that the gentleman from southern California (Mr. GALLEGLY) has told me over and over again how there are several cities in his congressional district where a majority of their citizens are Americans of Mexican descent, and he is very proud to tell me in those cities Proposition 187 got a very strong showing. It actually won a majority vote in several of those cities. Why is it then that we have conservatives and Republicans who are afraid to lead the charge on this issue and to discuss it openly and bring it up?

Again, they do not want to be called racist, and they do not want to insult their fellow citizens. They actually care about their fellow citizens of Mexican descent, and they are afraid they may be insulting these folks if they bring up the issue of illegal immigration. That is the guilt trip the news media is putting on these people.

Let me just say that Americans of Mexican descent are with us on this. They do not want their families to suffer from being unable to get higher wages for their children or income earners of their family, or education funds to be totally eaten up or health care funds being dissipated by people who have just come here, whether it is from Mexico or anywhere else. These are great Americans and these are Californians.

We Californians understand that. California is itself a name that suggests a past culture, what we think of as sort of a paradise in California.

□ 2130

It is a Hispanic culture. All of us are proud in California of this Mexican heritage. Before our State was a State, there was a proud Hispanic civilization there. California is based on a mythology of an island where there was always milk and honey, and the fruits were always ripe and ready to be eaten. It was a paradise on Earth. We know that. That came from a mythology that was written out in the Spanish language. We understand that, and we Californians are proud of that. We believe we live in that paradise. Yet we will lose paradise if we do not take those steps that are necessary to maintain the quality of life, not just for the upper middle class and the upper class but for all Californians. Illegal immigration is the greatest threat in California to the quality of life of every one of our citizens and legal residents.

Let me note, they know that we are not hatemongers because we are protecting them. We need to join an alliance of all Americans to solve this problem and to speak frankly about it and not worry about being called names. We Americans must stick together. It is our loyalty that creates one Nation, our loyalty to each other; and if we are going to permit half of our population to suffer because we are giving away the benefits that were paid for by tax dollars to people who have come here illegally at the expense of that other half of our Americans who live with us, then we are committing a very sinful act. We are not caring about our fellow Americans and we are showing our disrespect for them by not trying to ensure that someone from the outside, a stranger, does not come in and take away the health dollars and education dollars they need.

Turning one group of honest citizens against another group of honest citizens in order to keep the flow of illegal immigration into our country has worked to intimidate people, but it is a dishonest tactic. We will hear it over and over again. But I hope that the American people are beginning to fine-tune their hearing and their listening of these arguments so that when people start saying, this is mean-spirited, this is racist, that they will know that that

person is insulting them and trying to get them not to look at the issue of the day. I would alert my colleagues and the American people to pay no attention when they are called names.

The real hatemongers and the racists are the ones who would turn Americans against Americans. They are the ones who do not care about us as a people. We care about each other, and let us demonstrate that. I would suggest today that America is so far down the road towards a disaster that we have got to come to grips with illegal immigration, or there is going to be irreparable damage to our country. Already many of our people are suffering, and sometimes they do not even understand why.

What else besides what I just described, this fear of being called a racist, prevents us from dealing with the illegal immigration issue? There is another factor involved. This is also a powerful factor, but it is not quite as visible as the one I just described. Everyone can see that people on the liberal left are calling other people names. They are calling them racist, et cetera. We can see this effort on the left side of the political spectrum to try to unleash and keep the flow of illegal immigrants coming to our country because they want to use them as pawns, political pawns.

But there is another very powerful factor involved and that is there are some enormously powerful and enormously wealthy forces in our society which are benefiting from the massive flow of illegals into our country. Who am I referring to? I am referring to Big Business. I am referring to corporations and Big Business and all those people who would make a profit by keeping wages down. Keeping wages down. That is what is going on. There are some powerful interests in America suppressing wages so that people who are in the middle class and lower middle class, working people, are finding themselves in a trap rather than finding their own standard of living increasing.

As I say, there is the liberal wing of the Democratic Party who wants to exploit illegal immigration for their own political purposes. They want to use them as pawns. Then we have Big Business in an unholy alliance with the liberal left of the Democratic Party. These people are trying to exploit helpless people who come to our shores, of course in order to make a bigger profit, so they will not have to give health care benefits, so they do not have to pay as much; and in fact, the wages of all their other employees are brought down because other employees know they can always hire some illegal immigrants from China or from Mexico or elsewhere to do these jobs if we will not do them for this minimal salary that they are offering.

These powerful forces obviously do not represent the interests of the American people. First of all, let us note this. It is estimated that if illegal immigration goes unchecked, everything else being equal, our population in our country will jump from 280 million people today to 420 million people just a few decades from now. 420 million people. Is that in the interest of the people of the United States? Is that the type of increase in the number of people that we feel comfortable with? Along with that, of course, with this huge increase in our population comes a huge increase in the demand on scarce resources, especially those scarce resources: places to live, good housing, good jobs, good health care, good education. If we let illegal immigration continue, we will have in the blink of an eye a half a billion people living in the United States. Is that what we want? Is that what the American people deserve?

If we leave illegal immigration unchecked, with millions of new people coming to this country illegally every year, if that continues, as I say, we are going to have teeming masses. We will have people who are trapped in situations that are totally inconsistent with the vision of the American dream that has motivated the American people for over 200 years now, the opportunity to dream of a place where people can uplift themselves with hard work, a place where every person willing to work can live a dignified life. If we continue to allow this to go unchecked, all of that will disappear. The American dream will disappear. It will disappear in a mass of faces, of people who are unhappy because they do not have the opportunity that their grandparents had. We will look into the faces of people who are angry. The level of hostility in our society will increase. The America that we know and love will cease to exist.

Were we meant to have an underclass of working people who have no hope for a better life? We are beginning to develop that now. We can see it. Because wages are being held down. There is no doubt about who benefits from low wages. The people who own companies, people who want servants, et cetera, these are people who benefit from illegal immigration. Let me add, there are a lot of upper middle income people, people let us say in the top 20 percent and upper income people who have benefited by illegal immigration. Those people should understand that their whole way of life would not exist if it was not for the people who went out and fought the wars and work hard every day and are honest citizens and are willing to stand up for the principles of America that we respect each other's private property and we respect their rights to live their lives.

These wealthy people would not have that if it was not for all these other Americans who were willing to sacrifice and they do not need as much. They just need a clean and decent place to live. They need to know that their children are going to be educated. They need to have some hope in their lives. This will be taken from them unless we come to grips with a massive flow of people who are coming into this country from every corner of the world and consuming the seed corn necessary to plant the gardens which will give us the food and the benefits and the good life that the American people have worked so hard for.

My dad and mom came from very poverty stricken homes. I used to go there. My dad joined the Marines, but he was there for 20 years. We used to go back to North Dakota in the summers and sometimes in the winters and work on the farm. They were very poor farms. Those people knew that if they worked hard that America had a promise for them. But what about in the future where that promise does not exist because the education level for the children of working-class people, in California we see it, the education level is going down. It is not going down because of anything they have done. It has been going down because our State is being flooded with illegal immigrants, and their children are pouring into the school system, and they cannot even speak their own languages correctly; and thus the teachers are spending all of their time with problem students from other countries whose parents have never paid the price for the education system in the first place. So the working-class families, their children do not get the education they deserve. It is wrong. It is absolutely wrong. We have got to have the courage to face it.

What are we going to say, that every person in the world will be subsidized in their education and their health care and everything else by the American people? Where do you draw the line? If you disagree with what I just said, where do you draw the line? The other side has no answer for that at all except, you are a racist for bringing it up.

Let me note this: we are being told by those captains of industry who are now condemning any effort to try to get illegal immigration under control, we are told that illegal immigrants are taking jobs that Americans just will not take. That is why we have got to let them here, so they can take these jobs that no one else will take. That is not true. The fact is that that is no justification for allowing this massive influx into our country which is bringing down the wages of all of our people. I suggest that Americans are willing to do just about any job, but they are not willing to do any job at the pay level that is being offered.

Yes, if our country was not flooded with illegal immigrants, employers would have to pay more money for the jobs that they need to have done. That is okay. It is a good thing when you have an increasing standard of living or an increasing GNP that working people get their share and that you have higher incomes and that the people are able to own their own home and have a car and treat their kids out to dinner a couple of times a week. That

is okay. But, instead, we are being told, oh, my, we would have to pay them so much money, it would make it impossible. Let us pay 25 cents more for a hamburger if it means that people who work in those shops giving us those hamburgers and that meat have a decent standard of living and can take care of their families.

A good example of what I am talking about and what has happened to our country when we are flooded with illegals who are now living in substandard housing with their whole families and it has sort of brought down the quality of life of whole areas in Southern California, let me mention this. When I went to graduate school, I worked at night as a janitor. Yes, I cleaned toilets and there was nothing wrong with that type of work. Every person who works and sustains himself or herself as an honorable job and as a dignified person, we honor them. When you are taking care of your own needs and you are self-sufficient, that is what it is all about and that is fine. It has been a long time since I was a janitor. I have to admit I was not a very good janitor, but I worked hard. If you look back, 30 years ago when I was a janitor, the gross domestic product of this country has dramatically increased in those 30 years. Yet the money that janitors make in real dollars is about the same. That is it. Our country has had a major increase in wealth, but the janitors make about the same money. It is because our country has been flooded by illegal immigrants who are willing to take those jobs. The people who run the building say, we could not afford to actually hire all these janitors if we had to pay them more money, the market value, without the illegal aliens there. All that would mean if they were paying more money to our own people to clean those toilets, there would be a toilet-cleaning machine and there would be a fellow there, a man or a woman, who could clean 10 times as many toilets with this technology and they would pay him $50,000, $60,000, maybe $70,000 a year. That is a good thing. That is fine.

But, instead, we have had a flood of illegal immigrants and instead of one American earning a decent standard of living and taking care of his family, we have got seven or so illegals who are living substandard, have brought their families in, they are all totally dependent on government benefits, and it is bringing down the quality of our neighborhoods, et cetera; and we have a teeming mass with no hope instead of an American, a proud American being able to take care of his own family and having a decent standard of living. That is what illegals have done to our society. It is a very sinister impact, but it has happened very slowly.

I had an L.A. Times reporter come to my house this weekend looking around, sifting through everything to find out if I had hired any illegals. I did not hire illegals to do my lawn work.

□ 2145

My wife, who just had triplets, as people know here, we did not hire a service unless that service agreed to guarantee that there would be no illegal immigrants in that service. So I try my best.

I try not to buy products from China, because I believe that China is a slave trade state. They use slave labor. But sometimes I end up buying Chinese things unknowingly, as much as I try not to, and I guess sometimes I buy a hamburger from an illegal immigrant.

But let me put it this way. This fellow came to me and said, ''Who takes care of your lawn?'' It just happens to be that the lady I rent from, and I rent a very modest house in Huntington Beach, her brother, who is a senior citizen and is retired now, takes care of the lawn. That is what he does on the side as a side job.

He said, ''All over your neighborhood, your neighbors are using illegal immigrants to do their lawns. Is that bad?''

I said, well, it really is. I will tell you why it is bad. When I was a kid, I did the lawn work. I actually earned all of my spending money by cutting people's lawns, and a lot of my friends did, too.

I think it has a horrible impact on our society that the young people do not cut their own lawns now and earn their own spending money, but instead we let these slave-like laborers come in from different countries and do our lawn work for us. It would be better for our own children to earn their spending money than to pay someone else a pittance so they can live in destitution in our country and then live off of government benefits.

No, that is not the way to a better country. And we have had this impact, and it has been coming on and coming on, and we have not even noticed it, that our kids do not have the dignity now of earning their own spending money by cutting people's lawns.

So that is why we can be such a prosperous country right now, and there can be so much growth in the wealth that is available in our society, yet there is a whole group of people in our country who are being left out. The illegal immigrants are being left out, but so are those people whose wages are being impacted by the illegals' presence here, and it brings down those wages of our average working people. Their share is being gobbled up.

At one end of the spectrum you have got wealthy people. You have got wealthy people over here, they are gobbling that wealth that should go to the middle-class because they are hiring all the illegals and they do not have to pay as much. At the other end of the spectrum it is being gobbled up by bureaucracy and big government.

You have liberals and leftists basically advocating more and more government programs, and what they do, with more and more government programs, they have to tax you more. So what we are doing is taxing the lifeblood and the way of life out of our people in the middle-class, and we are, as well, keeping their wages down and destroying their way of life. They are being attacked by both sides of the political spectrum.

I would say that if it was not for the influx of illegal immigrants today, many of our college students would be out probably doing these jobs during the summer that they say we cannot get Americans to do. I think Americans will take these jobs, if they are given the right kind of pay incentives.

What we have now is a focus tonight on something that I wanted to bring up specifically about the bill that was debated today. My piece of legislation, H.R. 3722, was brought to the floor for a vote.

This piece of legislation is designed to come to grips with a new issue confronting us on illegal immigration, because something happened a few months ago that very few people saw. What I am talking about is the fact that in the Medicare bill, a bill that passed this House, I guess it was 4 or 5 months ago now, when it passed through the House there was not this provision. But when it came back from the Senate, a provision sort of secretly had been inserted by Senator KYL from Arizona. It was the creation of a $1 billion fund, a $1 billion fund that will be used to pay for the health care of illegal immigrants, a $1 billion for the emergency health care of illegal immigrants. It is the first time we actually have a budget item to legally pay for the services of an illegal immigrant.

What does that do? That means that $1 billion in this fund will go to emergency rooms who take care of illegal immigrants.

Well, what does that mean? That means that in the future, when this is being used, American citizens who do not have health care benefits, and a lot of them do not have health care benefits because the employers will hire illegals if someone demands a health care benefit, an insurance policy, health care insurance, so if they do not have health insurance and then they have to go to the doctor, to the emergency room, what happens? Unless we do something about it, we have set up a perverse priority.

What is going to happen is that the American citizens who do not have health insurance and the legal residents who do not have health insurance are going to be told to go to the back of the line, because we can get the money from the Federal Government to pay for the health care, the emergency health care, of illegals. We quite literally are taking care of foreigners who have come here illegally at the expense of the American people.

My legislation, H.R. 3722, will ensure that the money that we have, the health care that we have, will not be dissipated dramatically by illegals, because what it does is it states very clearly for the hospitals of America, if an illegal immigrant comes to your

emergency room, you do not have to give them extensive treatment for diseases that are not at that moment life-threatening.

Thus, they will take care of an illegal whose life is being threatened, but they will not have to take care and spend $300,000 or $400,000 for cancer treatments, and this happens, for all types of transplants of organs, for hundreds of thousands and millions of dollars worth of health care that illegals are getting right now.

My bill says they do not have to do that. If they want to, they can, but they do not have to do it. This legislation is vital to make sure that the pool of money available to the American people for their health care goes to the American people and not to illegals.

It also says that if someone is illegal and they come in and they are an emergency and they are taken care at the hospital, when they are seeking compensation from the fund, they just have to make that same information that they are collecting in order to be compensated, they have to make that available in a computer for the Immigration and Naturalization Service and the Department of Homeland Security.

What we have heard again are bogus arguments this morning, over and over again, that this is going to increase the paperwork of doctors; it is going to make doctors policemen.

Not true. The bill we are talking about only says the information, that they will collect anyway in order to get compensated by this fund, must be made available to the INS and the Department of Homeland Security. They are not being turned in by anybody, it is just available. The other government agencies at that point have to take over. There is no reporting on the part of the doctors.

So we hear these bogus arguments over and over again, as if people are going to bring some type of contagious diseases into our country if we do not treat every illegal alien that comes into our emergency health care.

Let me note this: If you want to see diseases that will spread in our country being brought into our country from overseas, just make sure that everybody around the world knows that we are now paying for illegal aliens' health care in this country. No matter who gets into the hospital, they will be taken care of. They will bring communicable diseases from all over the world, and that is what is happening right now.

We need to instead come to grips with what my legislation does, that if someone is indeed here illegally and they are dissipating the use and the amount of money that is available for our own citizens or their health care, that illegal alien should be sent home. They should go home to their home country. That is what H.R. 3722 says. The information will be available to the Department of Homeland Security and the Immigration and Naturalization Service, and they will proceed from there.

This is not on the back of the doctors. The doctors are freed from responsibility on that, because they no longer have to treat anything, unless someone's life is threatened at that moment.

Let me add one other thing. If they do treat an illegal immigrant in an emergency situation, my bill insists that we go to the employer, because that is the only question that hospital has to ask, who is your employer? And if that employer has not done due diligence to see if he is hiring an illegal immigrant, that employer has to pay for the emergency health care costs of the illegal immigrant. Do you get that? The taxpayers are off the hook.

What has happened is, this bill, which would be an of incredible importance to the middle-class Americans, this bill, which strives to protect us from having our limited health care dollars being drained away by people who have come here illegally, this bill is being attacked by the Chamber of Commerce. It is being attacked by big business on one end, and being attacked by the liberal left organizations that control the Democratic Party on the other.

I suggest tomorrow the vote on H.R. 3722 is one to watch, and whose side you are on will be determined by how they vote on that issue.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4359, CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–496) on the resolution (H. Res. 644) providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2728, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2004, H.R. 2729, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2004, H.R. 2730, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2004, H.R. 2731, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004, AND H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–497) on the resolution (H. Res. 645), providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes, which was referred to the House Calendar and ordered to be printed.

IRAQ WATCH

The SPEAKER pro tempore (Mrs. BLACKBURN). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, I will shortly be joined by my colleagues, who, on a weekly basis, have come to the floor of the House to discuss events occurring in the Middle East, specifically in Iraq and in Afghanistan. We have called ourselves the Iraq Watch, in an effort to have a conversation to illuminate and educate not just ourselves, but those who are interested, as I think most people are, in these particular matters.

It is clearly no secret, and it is a most disturbing situation, that we have a deteriorating situation in Iraq. One only has to remember the initial estimates of the cost that were put forth by the White House. I think the range that was suggested by the Deputy Secretary of Defense, Mr. Wolfowitz, was from $30 billion to $60 billion.

□ 2200

When the then-Chief Economic Adviser to President Bush, Larry Lindsay, indicated that in his judgment the range could be from $100 billion to $200 billion, he was eased out because there was a sense that that was not a realistic number. Now, of course, we are currently at the figure of $150 billion, and that does not include future estimates, which again according to recent reports just simply is for the military presence of American troops in support for other military personnel there. That is an additional 50 or $75 billion. And of course that does not include the cost of reconstruction, both for Iraq

and for Afghanistan. But, obviously, most importantly is the loss of life, particularly American personnel, both military and civilian. The number now is well in excess of 700. That of course does not account for the men and women in our military who have been wounded.

Many Members of this body have been to Walter Reed Hospital and to Bethesda Naval Hospital and met with the men and women there who have suffered wounds, egregious wounds, that will clearly impact their future and will alter irrevocably the quality of life that they will enjoy for the rest of their lives.

I know that I have attended in my district the funerals of two young men, Sergeant Caldwell and Corporal Jeff Burgess, who gave their lives in Iraq. Furthermore, there was a universal echo of support and sympathy for the United States in the aftermath of our national tragedy on September 11. I think we all remember the headline in the French newspaper, Le Monde, that screamed, very poignantly and eloquently the day after 9–11, that ''Today We Are All Americans.''

It is clear that there was not just sympathy, but a commitment by countries all over the world to assist our efforts to end once and for all the scourge of global terrorism. Unfortunately, much of that international support has eroded. And now the motives of the United States are being called into question, and not just in the Mideast but all over the world.

There was a recent poll that was done by one of the premier polling groups in this country, the Zogby polling group, and it was conducted among the elite in Latin America, the economic elite which traditionally had been supportive of American policy. There was no attempt to interview or survey those that had traditionally been hostile to American interests or who have disagreed with our policies. What I find remarkable was that of the six countries that were surveyed, and they range from Argentina to Brazil to Venezuela to a Central American country, that the negative opinion of the United States Government, the negative opinion of the United States Government exceeded 87 percent. That is particularly disturbing, because I think we can all agree, Mr. Speaker, that we need the international community and its support if we are going to end terrorism. If we are going to protect our homeland, cooperation is absolutely essential. It is absolutely critical. But now American motives are suspect.

There was a recent poll that was done, it was done by the Pew Foundation and the numbers are startling. Majorities in seven nations believe that our intervention in Iraq was motivated by a desire to control Mideast oil. Clearly, there are few Americans that accept that premise. But when one reads the list of nations that believe that our intervention was based simply on the desire to control oil, we must acknowledge that we have a problem that has to be addressed. Let me just recite some of those numbers: 51 percent of the people in Russia believe that that was our primary motive; 58 percent of the people in France; 60 percent of the people in Germany; 54 percent of the people in Pakistan. In Turkey the number is 64 percent. In Jordan it was 71 percent. And yet we speak of a certain moral authority. But it has become clear that the world does not see us in that lens. They believe our motives are much more crass. And when these numbers are combined with comments and observations and revelations by senior administration officials, they are reinforced.

For those of you that have not had the opportunity to read ''The Price of Loyalty,'' which is a book regarding the tenure of the former Secretary of Treasury, Paul O'Neill, let me commend that book to you; and I would specifically direct your attention to page 96 of that book. Because Secretary O'Neill, a traditional Republican widely regarded in business circles, someone who served his country in the Reagan administration and in Bush One, reveals an anecdote that I find disturbing. Let me read for a moment. O'Neill had seen ''brewing a battle since the National Security Council meeting on January 30.''

Let me interrupt the excerpt that I will quote to inform my colleagues and the viewing audience that this was 1 week after the inauguration after George W. Bush. One week. The anecdote itself that he reveals occurs February 27, less than maybe 5 weeks, after the President was inaugurated. O'Neill: ''It was Powell and his moderates at the State Department versus hardliners like Rumsfeld, CHENEY, and Wolfowitz who were already planning the next war in Iraq in the shape of a post-Saddam country.''

Now, let us remember, this is before our national tragedy on 9–11, and this is not coming from outside. This is not an opinion being offered by a Member of the House. This is being offered by the former Secretary who was present at this particular meeting of the National Security Council on February 27, 2001.

''Documents were being prepared by the Defense Intelligence Agency,'' Rumsfeld's intelligence arm, ''mapping Iraq's oil fields and exploration areas, and listing companies that might be interested in leveraging the precious asset.'' Obviously he means oil. ''One document headed 'Foreign Suitors For Iraqi Oil Field Contracts' lists companies from 30 countries, their specialties, bidding histories and in some cases their particular areas of interests. An attached document maps Iraq with markings for supergiant oil fields, other oil fields earmarked for production-sharing while demarking the largely undeveloped southwest of the country into nine blocks to be designated for future exploration.''

I guess this is a question that I would have for the President, for the Vice President, and for the Secretary of Defense: Why on February 27, months before the attack on the homeland, why was a map being presented at a National Security Council meeting divvying up the oil reserves of Iraq?

That, I daresay and will submit, is a question, Mr. Speaker, that should be answered by the Secretary, by the National Security Adviser, by the Vice President, and by the President. That is a question that cannot linger, that cannot go unanswered, particularly when a majority of people in countries that are our traditional allies have concluded that our main interest in Iraq is not to bring democracy, is not to save lives, but is to secure oil for our energy needs.

And, again, let me remind my friends who are here, I have been joined by my colleagues, the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from Hawaii (Mr. ABERCROMBIE), and the ranking member on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), let me remind ourselves that we are losing international support. And I am convinced that many of the questions that the rest of the world has is based on reports such as this and have a potential to undermine not just our credibility and our moral authority, but to undermine our national security if we are going to do something in terms of international terrorism.

□ 2215

Because if the world concludes, and if we do not respond that this is our motivation, they will turn their backs on us. When this is all combined with obviously many other issues that are out there, I dare say we have a serious problem.

Mr. CONYERS. Mr. Speaker, will the gentleman yield.

Mr. DELAHUNT. I yield to the gentleman from Michigan.

(Mr. CONYERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. CONYERS. Mr. Speaker, I thank the gentleman so much for allowing this intervention, and I begin by commending my colleagues from Pennsylvania and Hawaii and the gentleman from Massachusetts (Mr. DELAHUNT).

It is my intention to offer into this discussion The New Yorker article entitled The Gray Zone by Seymour Hersh, which raises one of these other incidents that the gentleman from Massachusetts (Mr. DELAHUNT) has referred to, and that is, the Abu Ghraib prison in Iraq and the ongoing furor that has taken place around the world.

I would like to ask my colleagues in the course of our discussion this evening whether they feel a need for an investigation conducted from the outside as the 9/11 Commission has, which

it recently concluded, the Warren Commission in terms of the John F. Kennedy assassination, because this problem is beginning to tarnish our Nation's war against terrorism, and without a full and complete and impartial investigation, we will add another way of undermining our national moral authority.

I just wanted to point out that it is mentioned in this article that will be reprinted that, ''Rumsfeld's goal was to get a capability in place to take on a high-value target, a standup group to hit quickly,' a former high-level intelligence official told me. 'He got all the agencies together, the CIA and the NSA, to get pre-approval in place. Just say the code word and go.' The operation had across-the-board approval from Rumsfeld and from Condoleeza Rice, the national security adviser. President Bush was informed of the existence of the program, the former intelligence official said.''

Here, ''Rumsfeld reacted in his usual direct fashion: he authorized the establishment of a highly secret program that was given blanket advance approval to kill or capture and, if possible, interrogate 'high value' targets in the Bush administration's war on terror.''

The people, and I conclude with this, ''the people assigned to the program worked by the book, the former intelligence official told me,'' this is Seymour Hersh. ''They created code words, and recruited, after careful screening, highly trained commandos and operatives from America's elite forces, Navy SEALs, the Army's Delta Force, and the CIA's paramilitary experts. They also asked some basic questions: 'Do the people working the problem have to use aliases? Yes. Do we need dead drops for the mail? Yes.' No traceability and no budget. And some special-access programs are never fully briefed to Congress.''

In other words, a deliberate development of a plan not only to commit these outrageous atrocities that have shocked the world but a way to avoid congressional scrutiny.

I will insert this article that I referred to earlier at this point in the RECORD.

[From The New Yorker, May 17, 2004]

THE GRAY ZONE

(By Seymour M. Hersh)

The roots of the Abu Ghraib prison scandal lie not in the criminal inclinations of a few Army reservists but in a decision, approved last year by Secretary of Defense Donald Rumsfeld, to expand a highly secret operation, which had been focussed on the hunt for Al Qaeda, to the interrogation of prisoners in Iraq. Rumsfeld's decision embittered the American intelligence community, damaged the effectiveness of élite combat units, and hurt America's prospects in the war on terror.

According to interviews with several past and present American intelligence officials, the Pentagon's operation, known inside the intelligence community by several code words, including Copper Green, encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq. A senior C.I.A. official, in confirming the details of this account last week, said that the operation stemmed from Rumsfeld's long-standing desire to wrest control of America's clandestine and paramilitary operations from the C.I.A.

Rumsfeld, during appearances last week before Congress to testify about Abu Ghraib, was precluded by law from explicitly mentioning highly secret matters in an unclassified session. But he conveyed the message that he was telling the public all that he knew about the story. He said, ''Any suggestion that there is not a full, deep awareness of what has happened, and the damage it has done, I think, would be a misunderstanding.'' The senior C.I.A. official, asked about Rumsfeld's testimony and that of Stephen Cambone, his Under-Secretary for Intelligence, said, ''Some people think you can bullshit anyone.''

The Abu Ghraib story began, in a sense, just weeks after the September 11, 2001, attacks, with the American bombing of Afghanistan. Almost from the start, the Administration's search for Al Qaeda members in the war zone, and its worldwide search for terrorists, came up against major command-and-control problems. For example, combat forces that had Al Qaeda targets in sight had to obtain legal clearance before firing on them. On October 7th, the night the bombing began, an unmanned Predator aircraft tracked an automobile convoy that, American intelligence believed, contained Mullah Mohammad Omar, the Taliban leader. A lawyer on duty at the United States Central Command headquarters, in Tampa, Florida, refused to authorize a strike. By the time an attack was approved, the target was out of reach. Rumsfeld was apoplectic over what he saw as a self-defeating hesitation to attack that was due to political correctness. One officer described him to me that fall as ''kicking a lot of glass and breaking doors.'' In November, the Washington Post reported that, as many as ten times since early October, Air Force pilots believed they'd had senior Al Qaeda and Taliban members in their sights but had been unable to act in time because of legalistic hurdles. There were similar problems throughout the world, as American Special Forces units seeking to move quickly against suspected terrorist cells were compelled to get prior approval from local American ambassadors and brief their superiors in the chain of command.

Rumsfeld reacted in his usual direct fashion: he authorized the establishment of a highly secret program that was given blanket advance approval to kill or capture and, if possible, interrogate ''high value'' targets in the Bush Administration's war on terror. A special-access program, or SAP—subject to the Defense Department's most stringent level of security—was set up, with an office in a secure area of the Pentagon. The program would recruit operatives and acquire the necessary equipment, including aircraft, and would keep its activities under wraps. America's most successful intelligence operations during the Cold War had been SAPs, including the Navy's submarine penetration of underwater cables used by the Soviet high command and construction of the Air Force's stealth bomber. All the so-called ''black'' programs had one element in common: the Secretary of Defense, or his deputy, had to conclude that the normal military classification restraints did not provide enough security.

''Rumsfeld's goal was to get a capability in place to take on a high-value target—a standup group to hit quickly,'' a former high-level intelligence official told me. ''He got all the agencies together—the C.I.A. and the N.S.A.—to get pre-approval in place. Just say the code word and go.'' The operation had across-the-board approval from Rumsfeld and from Condoleezza Rice, the national-security adviser. President Bush was informed of the existence of the program, the former intelligence official said.

The people assigned to the program worked by the book, the former intelligence official told me. They created code words, and recruited, after careful screening, highly trained commandos and operatives from America's elite forces—Navy SEALs, the Army's Delta Force, and the C.I.A.'s paramilitary experts. They also asked some basic questions: ''Do the people working the problem have to use aliases? Yes. Do we need dead drops for the mail? Yes. No traceability and no budget. And some special-access programs are never fully briefed to Congress.''

In theory, the operation enabled the Bush Administration to respond immediately to time-sensitive intelligence: commandos crossed borders without visas and could interrogate terrorism suspects deemed too important for transfer to the military's facilities at Guantánamo, Cuba. They carried out instant interrogations—using force if necessary—at secret C.I.A. detention centers scattered around the world. The intelligence would be relayed to the SAP command center in the Pentagon in real time, and sifted for those pieces of information critical to the ''white,'' or overt, world.

Fewer than two hundred operatives and officials, including Rumsfeld and General Richard Myers, chairman of the Joint Chiefs of Staff, were ''completely read into the program,'' the former intelligence official said. The goal was to keep the operation protected. ''We're not going to read more people than necessary into our heart of darkness,'' he said. ''The rules are 'Grab whom you must. Do what you want.'''

One Pentagon official who was deeply involved in the program was Stephen Cambone, who was named Under-Secretary of Defense for Intelligence in March, 2003. The office was new; it was created as part of Rumsfeld's reorganization of the Pentagon. Cambone was unpopular among military and civilian intelligence bureaucrats in the Pentagon, essentially because he had little experience in running intelligence programs, though in 1998 he had served as staff director for a committee, headed by Rumsfeld, that warned of an emerging ballistic-missile threat to the United States. He was known instead for his closeness to Rumsfeld. ''Remember Henry II—'Who will rid me of this meddlesome priest?''' the senior C.I.A. official said to me, with a laugh, last week. ''Whatever Rumsfeld whimsically says, Cambone will do ten times that much.''

Cambone was a strong advocate for war against Iraq. He shared Rumsfeld's disdain for the analysis and assessments proffered by the C.I.A., viewing them as too cautious, and chafed, as did Rumsfeld, at the C.I.A.'s inability, before the Iraq war, to state conclusively that Saddam Hussein harbored weapons of mass destruction. Cambone's military assistant, Army Lieutenant General William G. (Jerry) Boykin, was also controversial. Last fall, he generated unwanted headlines after it was reported that, in a speech at an Oregon church, he equated the Muslim world with Satan.

Early in his tenure, Cambone provoked a bureaucratic battle within the Pentagon by insisting that he be given control of all special-access programs that were relevant to the war on terror. Those programs, which had been viewed by many in the Pentagon as sacrosanct, were monitored by Kenneth deGraffenreid, who had experience in counter-intelligence programs. Cambone got control, and deGraffenreid subsequently left

the Pentagon. Asked for comment on this story, a Pentagon spokesman said, ''I will not discuss any covert programs; however, Dr. Cambone did not assume his position as the Under-Secretary of Defense for Intelligence until March 7, 2003, and had no involvement in the decision-making process regarding interrogation procedures in Iraq or anywhere else.''

In mid-2003, the special-access program was regarded in the Pentagon as one of the success stories of the war on terror. ''It was an active program,'' the former intelligence official told me. ''It's been the most important capability we have for dealing with an imminent threat. If we discover where Osama bin Laden is, we can get him. And we can remove an existing threat with a real capability to hit the United States—and do so without visibility.'' Some of its methods were troubling and could not bear close scrutiny, however.

By then, the war in Iraq had begun. The SAP was involved in some assignments in Iraq, the former official said. C.I.A. and other American Special Forces operatives secretly teamed up to hunt for Saddam Hussein and—without success—for Iraqi weapons of mass destruction. But they weren't able to stop the evolving insurgency.

In the first months after the fall of Baghdad, Rumsfeld and his aides still had a limited view of the insurgency, seeing it as little more than the work of Baathist ''dead-enders,'' criminal gangs, and foreign terrorists who were Al Qaeda followers. The Administration measured its success in the war by how many of those on its list of the fifty-five most wanted members of the old regime—reproduced on playing cards—had been captured. Then, in August, 2003, terror bombings in Baghdad hit the Jordanian Embassy, killing nineteen people, and the United Nations headquarters, killing twenty-three people, including Sergio Vieira de Mello, the head of the U.N. mission. On August 25th, less than a week after the U.N. bombing, Rumsfeld acknowledged, in a talk before the Veterans of Foreign Wars, that ''the dead-enders are still with us.'' He went on, ''There are some today who are surprised that there are still pockets of resistance in Iraq, and they suggest that this represents some sort of failure on the part of the Coalition. But this is not the case.'' Rumsfeld compared the insurgents with those true believers who ''fought on during and after the defeat of the Nazi regime in Germany.'' A few weeks later—and five months after the fall of Baghdad—the Defense Secretary declared, ''It is, in my view, better to be dealing with terrorists in Iraq than in the United States.''

Inside the Pentagon, there was a growing realization that the war was going badly. The increasingly beleaguered and baffled Army leadership was telling reporters that the insurgents consisted of five thousand Baathists loyal to Saddam Hussein. ''When you understand that they're organized in a cellular structure,'' General Jon Abizaid, the head of the Central Command declared, ''that . . . they have access to a lot of money and a lot of ammunition, you'll understand how dangerous they are.''

The American military and intelligence communities were having little success in penetrating the insurgency. One internal report prepared for the U.S. military, made available to me, concluded that the insurgents' ''strategic and operational intelligence has proven to be quite good.'' According to the study:

Their ability to attack convoys, other vulnerable targets and particular individuals has been the result of painstaking surveillance and reconnaissance. Inside information has been passed on to insurgent cells about convoy/troop movements and daily habits of Iraqis working with coalition from within the Iraqi security services, primarily the Iraqi Police force which is rife with sympathy for the insurgents, Iraqi ministries and from within pro-insurgent individuals working with the CPA's so-called Green Zone.

The study concluded, ''Politically, the U.S. has failed to date. Insurgencies can be fixed or ameliorated by dealing with what caused them in the first place. The disaster that is the reconstruction of Iraq has been the key cause of the insurgency. There is no legitimate government, and it behooves the Coalition Provisional Authority to absorb the sad but unvarnished fact that most Iraqis do not see the Governing Council''—the Iraqi body appointed by the C.P.A.—''as the legitimate authority. Indeed, they know that the true power is the CPA.''

By the fall, a military analyst told me, the extent of the Pentagon's political and military misjudgments was clear. Donald Rumsfeld's ''dead-enders'' now included not only Baathists but many marginal figures as well—thugs and criminals who were among the tens of thousands of prisoners freed the previous fall by Saddam as part of a prewar general amnesty. Their desperation was not driving the insurgency; it simply made them easy recruits for those who were. The analyst said, ''We'd killed and captured guys who had been given two or three hundred dollars to 'pray and spray' ''—that is, shoot randomly and hope for the best. ''They weren't really insurgents but down-and-outers who were paid by wealthy individuals sympathetic to the insurgency.'' In many cases, the paymasters were Sunnis who had been members of the Baath Party. The analyst said, that the insurgents ''spent three of four months figuring out how we operated and developing their own countermeasures. If that meant putting up a hapless guy to go and attack a convoy and see how the American troops responded, they'd do it.'' Then, the analyst said.''the clever ones began to get in on the action.''

By contrast, according to the military report, the American and Coalition forces knew little about the insurgency: ''Human intelligence is poor or lacking . . . due to the dearth of competence and expertise. . . . The intelligence effort is not coordinated since either too many groups are involved in gathering intelligence or the final product does not get to the troops in the field in a timely manner.'' The success of the war was at risk; something had to be done to change the dynamic.

The solution, endorsed by Rumsfeld and carried out by Stephen Cambone, was to get tough with those Iraqis in the Army prison system who were suspected of being insurgents. A key player was Major General Geoffrey Miller, the commander of the detention and interrogation center at Guantánamo, who had been summoned to Baghdad in late August to review prison interrogation procedures. The internal Army report on the abuse charges, written by Major General Antonio Taguba in February, revealed that Miller urged that the commanders in Baghdad change policy and place military intelligence in charge of the prison. The report quoted Miller as recommending that ''detention operations must act as an enabler for interrogation.''

Miller's concept, as it emerged in recent Senate hearings, was to ''Gitmoize'' the prison system in Iraq—to make it more focussed on interrogation. He also briefed military commanders in Iraq on the interrogation methods used in Cuba—methods that could, with special approval, include sleep deprivation, exposure to extremes of cold, and heat, and placing prisoners in ''stress positions'' for agonizing lengths of time. (The Bush Administration had unilaterally declared Al Qaeda and other captured members of international terrorist networks to be illegal combatants, and not eligible for the protection of the Geneva Conventions.)

Rumsfeld and Cambone went a step further, however: they expanded the scope of the SAP, bringing its unconventional methods to Abu Ghraib. The commandos were to operate in Iraq as they had in Afghanistan. The male prisoners could be treated roughly, and exposed to sexual humiliation.

''They weren't getting anything substantive from the detainees in Iraq,'' the former intelligence official told me. ''No names. Nothing that they could hang their hat on. Cambone says, I've got to crack this thing and I'm tired of working through the normal chain of command. I've got this apparatus set up—the black special-access program—and I'm going in hot. So he pulls the switch, and the electricity begins flowing last summer. And it's working. We're getting a picture of the insurgency in Iraq and the intelligence is flowing into the white world. We're getting good stuff. But we've got more targets''—prisoners in Iraqi jails—''than people who can handle them.''

Cambone then made another crucial decision, the former intelligence official told me: not only would he bring the SAP's rules into the prisons; he would bring some of the Army military-intelligence officers working inside the Iraqi prisons under the SAP's auspices. ''So here are fundamentally good soldiers—military-intelligence guys—being told that no rules apply,'' the former official, who has extensive knowledge of the special-access programs, added. ''And, as far as they're concerned, this is a covert operation, and it's to be kept within Defense Department channels.''

The military-police prison guards, the former official said, included ''recycled hillbillies from Cumberland, Maryland.'' He was referring to members of the 372nd Military Police Company. Seven members of the company are now facing charges for their role in the abuse at Abu Ghraib. ''How are these guys from Cumberland going to know anything? The Army Reserve doesn't know what it's doing.''

Who was in charge of Abu Ghraib—whether military police or military intelligence—was no longer the only question that mattered. Hard-core special operatives, some of them with aliases, were working in the prison. The military police assigned to guard the prisoners wore uniforms, but many others—military intelligence officers, contract interpreters, C.I.A. officers, and the men from the special-access program—wore civilian clothes. It was not clear who was who, even to Brigadier General Janis Karpinski, then the commander of the 800th Military Police Brigade, and the officer ostensibly in charge. ''I thought most of the civilians there were interpreters, but there were some civilians that I didn't know,'' Karpinski told me. ''I called them the disappearing ghosts. I'd seen them once in a while at Abu Ghraib and then I'd see them months later. They were nice—they'd always call out to me and say, 'Hey, remember me? How are you doing?''' The mysterious civilians, she said, were ''always bringing in somebody for interrogation or waiting to collect somebody going out.'' Karpinski added that she had no idea who was operating in her prison system. (General Taguba found that Karpinski's leadership failures contributed to the abuses.)

By fall, according to the former intelligence official, the senior leadership of the C.I.A. had had enough. ''They said, 'No way. We signed up for the core program in Afghanistan—pre-approved for operations against high-value terrorist targets—and now you want to use it for cabdrivers, brothers-in-law, and people pulled off the

streets' '—the sort of prisoners who populate the Iraqi jails. ''The C.I.A.'s legal people objected,'' and the agency ended its SAP involvement in Abu Ghraib, the former official said.

The C.I.A.'s complaints were echoed throughout the intelligence community. There was fear that the situation at Abu Ghraib would lead to the exposure of the secret SAP, and thereby bring an end to what had been, before Iraq, a valuable cover operation. ''This was stupidity,'' a government consultant told me. ''You're taking a program that was operating in the chaos of Afghanistan against Al Qaeda, a stateless terror group, and bringing it into a structured, traditional war zone. Sooner or later, the commandos would bump into the legal and moral procedures of a conventional war with an Army of a hundred and thirty-five thousand soldiers.''

The former senior intelligence official blamed hubris for the Abu Ghraib disaster. ''There's nothing more exhilarating for a pissant Pentagon civilian than dealing with an important national security issue without dealing with military planners, who are always worried about risk,'' he told me. ''What could be more boring than needing the cooperation of logistical planners?'' The only difficulty, the former official added, is that, ''as soon as you enlarge the secret program beyond the oversight capability of experienced people, you lose control. We've never had a case where a special-access program went sour—and this goes back to the Cold War.''

In a separate interview, a Pentagon consultant, who spent much of his career directly involved with special-access programs, spread the blame. ''The White House subcontracted this to the Pentagon, and the Pentagon subcontracted it to Cambone,'' he said. ''This is Cambone's deal, but Rumsfeld and Myers approved the program.'' When it came to the interrogation operation at Abu Ghraib, he said, Rumsfeld left the details to Cambone. Rumsfeld may not be personally culpable, the consultant added, ''but he's responsible for the checks and balances. The issue is that, since 9/11, we've changed the rules on how we deal with terrorism, and created conditions where the ends justify the means.''

Last week, statements made by one of the seven accused M.P.s, Specialist Jeremy Sivits, who is expected to plead guilty, were released. In them, he claimed that senior commanders in his unit would have stopped the abuse had they witnessed it. One of the questions that will be explored at any trial, however, it why a group of Army Reserve military policemen, most of them from small towns, tormented their prisoners as they did, in a manner that was especially humiliating for Iraqi men.

The notion that Arabs are particularly vulnerable to sexual humiliation became a talking point among pro-war Washington conservatives in the months before the March, 2003, invasion of Iraq. One book that was frequently cited was ''The Arab Mind,'' a study of Arab culture and psychology, first published in 1973, by Raphael Patai, a cultural anthropologist who taught at, among other universities, Columbia and Princeton, and who died in 1996. The book includes a twenty-five-page chapter on Arabs and sex, depicting sex as a taboo vested with shame and repression. ''The segregation of the sexes, the veiling of the women . . . and all the other minute rules that govern and restrict contact between men and women, have the effect of making sex a prime mental preoccupation in the Arab world,'' Patai wrote. Homosexual activity, ''or any indication of homosexual leanings, as with all other expressions of sexuality, is never given any publicity. These are private affairs and remain in private.'' The Patai book, an academic told me, was ''the bible of the neocons on Arab behavior.'' In their discussions, he said, two themes emerged—''one, that Arabs only understand force and, two, that the biggest weakness of Arabs is shame and humiliation.''

The government consultant said that there may have been a serious goal, in the beginning, behind the sexual humiliation and the posed photographs. It was thought that some prisoners would do anything—including spying on their associates—to avoid dissemination of the shameful photos to family and friends. The government consultant said, ''I was told that the purpose of the photographs was to create an army of informants, people you could insert back in the population.'' The idea was that they would be motivated by fear of exposure, and gather information about pending insurgency action, the consultant said. If so, it wasn't effective; the insurgency continued to grow.

''This shit has been brewing for months,'' the Pentagon consultant who has dealt with SAPs told me. ''You don't keep prisoners naked in their cell and then let them get bitten by dogs. This is sick.'' The consultant explained that he and his colleagues, all of whom had served for years on active duty in the military, had been appalled by the misuse of Army guard dogs inside Abu Ghraib. ''We don't raise kids to do things like that. When you go after Mullah Omar, that's one thing. But when you give the authority to kids who don't know the rules, that's another.''

In 2003, Rumsfeld's apparent disregard for the requirements of the Geneva Conventions while carrying out the war on terror had led a group of senior military legal officers from the Judge Advocate General's (JAG) Corps to pay two surprise visits within five months to Scott Horton, who was then chairman of the New York City Bar Association's Committee on International Human Rights. ''They wanted us to challenge the Bush Administration about its standards for detentions and interrogation,'' Horton told me. ''They were urging us to get involved and speak in a very loud voice. It came pretty much out the blue. The message was that conditions are ripe for abuse, and it's going to occur.'' The military officials were most alarmed about the growing use of civilian contractors in the interrogation process, Horton recalled. ''They said there was an atmosphere of legal ambiguity being created as a result of a policy decision at the highest levels in the Pentagon. The JAG officers were being cut out of the policy formulation process.'' They told him that, with the war on terror, a fifty-year history of exemplary application of the Geneva Conventions had come to an end.

The abuses at Abu Ghraib were exposed on January 13th, when Joseph Darby, a young military policeman assigned to Abu Gharib, reported the wrongdoing to the Army's Criminal Investigations Division. He also turned over a CD full of photographs. Within three days, a report made its way to Donald Rumsfeld, who informed President Bush.

The inquiry presented a dilemma for the Pentagon. The C.I.D. had to be allowed to continue, the former intelligence official said. ''You can't cover it up. You have to prosecute these guys for being off the reservation. But how do you prosecute them when they were covered by the special-access program? So you hope that maybe it'll go away.'' The Pentagon's attitude last January, he said, was ''Somebody got caught with some photos. What's the big deal? Take care of it.'' Rumsfeld's explanation to the White House, the official added, was reassuring. ''We've got a glitch in the program. We'll prosecute it.' The cover story was that some kids got out of control.''

In their testimony before Congress last week, Rumsfeld and Cambone struggled to convince the legislators that Miller's visit to Baghdad in late August had nothing to do with the subsequent abuse. Cambone sought to assure the Senate Armed Services Committee that the interplay between Miller and Lieutenant General Ricardo Sanchez, the top U.S. commander in Iraq, had only a casual connection to his office. Miller's recommendations, Cambone said, were made to Sanchez. His own role, he said, was mainly to insure that the ''flow of intelligence back to the commands'' was ''efficient and effective.'' He added that Miller's goal was ''to provide a safe, secure and humane environment that supports the expeditious collection of intelligence.''

It was a hard sell. Senator Hillary Clinton, Democrat of New York, posed the essential question facing the senators:

If, indeed General Miller was sent from Guantánamo to Iraq for the purpose of acquiring more actionable intelligence from detainees, then it is fair to conclude that the actions that are at point here in you report [on abuses at Abu Ghraib] are in some way connected to General Miller's arrival and his specific orders, however they were interpreted, by those MPs and the military intelligence that were involved. . . . Therefore, I for one don't believe I yet have adequate information from Mr. Cambone and the Defense Department as to exactly what General Miller's orders were . . . how he carried out those orders, and the connection between his arrival in the fall of '03 and the intensity of the abuses that occurred afterward.

Sometime before the Abu Ghraib abuses became public, the former intelligence official told me, Miller was ''read in''—that is, briefed—on the special-access operation. In April, Miller returned to Baghdad to assume control of the Iraqi prisons; once the scandal hit, with its glaring headlines, General Sanchez presented him to the American and international media as the general who would clean up the Iraqi prison system and instill respect for the Geneva Conventions. ''His job is to save what he can,'' the former official said. ''He's there to protect the program while limiting any loss of core capability.'' As for Antonio Taguba, the former intelligence official added, ''He goes into it not knowing shit. And then: ''Holy cow! What's going on?

If General Miller had been summoned by Congress to testify, he, like Rumsfeld and Cambone, would not have been able to mention the special-access program. ''If you give away the fact that a special-access program exists,'' the former intelligence official told me, ''you blow the whole quick-reaction program.''

One puzzling aspect of Rumsfeld's account of his initial reaction to news of the Abu Ghraib investigation was his lack of alarm and lack of curiosity. One factor may have been recent history: there had been many previous complaints of prisoner abuse from organizations like Human Rights Watch and the International Red Cross, and the Pentagon had weathered them with ease. Rumsfeld told the Senate Armed Services Committee that he had not been provided with details of alleged abuses until late March, when he read the specific charges. ''You read it, as I say, it's one thing. You see these photographs and it's just unbelievable. . . . It wasn't three-dimensional. It wasn't video. It wasn't color. it was quite a different thing.'' The former intelligence official said that in his view, Rumsfeld and other senior Pentagon officials had not studied the photographs because ''they thought what was in there was permitted under the rules of engagement,'' as applied to the SAP. ''The photos,'' he added, ''turned out to be the result of the program run amok.''

The former intelligence official made it clear that he was not alleging that Rumsfeld or General Myers knew that atrocities were committed. But, he said, ''it was their permission granted to do the SAP, generically, and there was enough ambiguity, which permitted the abuses.''

Thsi official went on, ''The black guys''—those in the Pentagon's secret program—''say we've got to accept the prosecution. they're vaccinated from the reality.'' The SAP is still active, and ''the United States is picking up guys for interrogation. The question is, how do they protect the quick-reaction force without blowing its cover?'' The program was protected by the fact that no one on the outside was allowed to know of its existence. ''If you even give a hint that you're aware of a black program that you're not read into, you lose your clearances,'' the former official said. ''Nobody will talk. So the only people left to prosecute are those who are undefended—the poor kids at the end of the food chain.''

The most vulnerable senior official is Cambone. ''The Pentagon is trying now to protect Cambone, and doesn't know how to do it,'' the former intelligence official said.

Last week, the government consultant, who has close ties to many conservatives, defended the Administration's continued secrecy about the special-access program in Abu Ghraib.; ''Why keep it black?'' the consultant asked. ''Because the process is unpleasant. It's like making sausage—you like the result but you don't want to know how it was made. Also, you don't want the Iraqi public, and the Arab world, to know. Remember, we went to Iraq to democratize the Middle East. The last thing you want to do is let the Arab world know how you treat Arab males in prison.''

The former intelligence official told me he feared that one of the disastrous effects of the prison-abuse scandal would be the undermining of legitimate operations in the war on terror, which had already suffered from the draining of resources into Iraq. He portrayed Abu Ghraib as a ''a tumor'' on the war on terror. He said, ''As long as it's benign and contained, the Pentagon can deal with the photo crisis without jeopardizing the secret program. As soon as it begins to grow, with nobody to diagnose it—it becomes a malignant tumor.''

The Pentagon consultant made a similar point. Cambone and his superiors, the consultant said, ''created the conditions that allowed transgressions to take place. And now we're going to end up with another Church Commission''—the 1975 Senate committee on intelligence, headed by Senator Frank Church, of Idaho, which investigated C.I.A. abuses during the previous two decades. Abu Ghraib had sent the message that the Pentagon leadership was unable to handle its discretionary power. ''When the shit hits the fan, as it did on 9/11, how do you push the pedal?'' the consultant asked. ''You do it selectively and with intelligence.''

''Congress is going to get to the bottom of this,'' the Pentagon consultant said. ''You have to demonstrate that there are checks and balances in the system.'' He added, ''When you live in a world of gray zones, you have to have very clear red lines.'''

Senator John McCain, of Arizona, said, ''If this is true, it certainly increases the dimension of this issue and deserves significant scrutiny. I will do all possible to get to the bottom of this, and all other allegations.''

''In an odd way,'' Kenneth Roth, the executive director of Human Rights Watch, said, ''the sexual abuses at Abu Ghraib have become a diversion for the prisoner abuse and the violation of the Geneva Conventions that is authorized.'' Since September 11th, Roth added, the military has systematically used third-degree techniques around the world on detainees. ''Some JAGS hate this and are horrified that the tolerance of mistreatment will come back and haunt us in the next war,'' Roth told me. ''We're giving the world a ready-made excuse to ignore the Geneva Conventions. Rumsfeld has lowered the bar.''

Mr. ABERCROMBIE. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from Michigan gave a quote there concerning the briefing of Congress. Could the gentleman read that again and attribute where the source of that comment was? Was that an observation or was that a direct quote from someone? Perhaps he can read that text.

Mr. CONYERS. No. This was from the author of the article, Seymour Hersh, the part that determined that the existence of a program was to avoid traceability, to have no budget that was reportable. So we did not have anything to even oversight, and then also that they could avoid congressional scrutiny and a requirement or obligation for being briefed to Congress.

Mr. ABERCROMBIE. So we can make absolutely sure, this is Mr. Hersh reporting what information was coming to him, that that was the intent of this approach; is that correct?

Mr. CONYERS. Yes, but what I am trying to do is give us the basis of why there ought to be an investigation. I wish I could vet all of these statements, assertions, and I have as many questions as the gentleman probably does.

The problem is that we are now confronted with taking a few reservists and throwing them into a court-martial situation, when clearly this problem that has been exposed started with more than a few privates and corporals and sergeants, determining how they were going to commit these abuses; that this was sanctioned. This was planned, and I repeat again, the President was informed of the existence of the program, a former intelligence official talking to Seymour Hersh said.

This is an award-winning writer on the American government scene for many years. I need to know more, but I am certainly not going to walk away from this highly complex information that has been presented to us.

Mr. HOEFFEL. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for bringing the Seymour Hersh article to the attention of the House today. I read that this afternoon, and I agree with my colleague, the impact of that article clearly is this was a planned special operation that did not originate with the privates and the sergeants but at the highest levels of the Bush administration.

But the question I wanted to ask my colleague, what I got out of the article was that not only was this a very clear attempt, if the article is accurate, by the Bush administration to set up an intelligence-gathering mechanism and operation that would be free and clear of any congressional oversight, but that they were taking these procedures and methods from Afghanistan, where we were clearly fighting terrorists and had terrorists in custody, and were interrogating terrorists and where we had announced, rightly or wrongly, that the Geneva Conventions would not apply. Then we were taking these methods and procedures to a more traditional war zone in Iraq and applying them to the detainees in the Iraqi prisons, notably Abu Ghraib, where the detainees were a bunch of people off the street, street criminals, rock throwers, hoodlums, maybe some terrorists, but certainly a wide number of just disaffected Iraqis who got swept up by the police and by the Army in an urban setting that was a traditional war zone. Yet, here the American operation was using these same interrogation approaches that we have been using against known terrorists in a lawless situation in Afghanistan.

This seems to me to be the root of the problem. First off, there is clear accountability to the very top of the Defense Department and the White House, and every time those gentlemen talk about just a few bad apples, it sets my hackles on edge because clearly they are trying to avoid accountability and responsibility.

The fundamental error they made was, in my judgment, taking this from a terror interrogation into interrogation of street criminals and routine suspects that have so badly backfired on our image in Iraq.

So I wonder, does the gentleman read the article the same way as I do?

Mr. CONYERS. I do, because they said they were taking people walking off the streets, taxi drivers, in-laws of somebody who may be more seriously implicated, and that they were bringing in an expert from Guantanamo. They do not make them enemy combatants so that these folks have no rights under the Geneva Conventions whatsoever, and the whole thing reads like an absolute nightmare. They are naming names and they are naming strategies. This so-called, what do we call it, the secret access program.

Mr. HOEFFEL. Very aptly known as SAP, S-A-P.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time for a moment, because I know we are joined by our friend, the gentleman from Washington (Mr. INSLEE), and again, I think we are coming back to an issue that has to be discussed here, and that is an issue of competence.

There is nobody in this chamber that is not committed to making every effort, every responsible effort to end the threat of terrorism, not just against the United States but all over the globe. What I think the world has concluded, as most Americans have concluded, is that the information that

was provided to this administration indicating that there was weapons of mass destruction in Iraq and that there were linkages between Saddam Hussein and al Qaeda were absolutely false, absolutely false.

What we have learned is that much of this information was provided by an exiled group called the Iraqi National Congress, headed by this particular gentleman here with the sunglasses on whose name is Ahmed Chalabi, who for years was working to return to Iraq.

Mr. Chalabi is an interesting and controversial figure, of course, because during his exile he lived for a time in Jordan, and while he was there, he was charged with and accused and convicted of the crime of embezzlement in the amount of some $30 million. He was sentenced to a term of 22 years in prison. Somehow during his exile he became friendly with or developed relationships with Richard Pearl, who formerly served on the Defense Advisory Board, with the Vice President Mr. CHENEY, and with others in the so-called neo-conservative movement.

□ 2230

And they believed what he had to say. And it has been proven to be false.

And I thought what was particularly interesting was that this past weekend our Secretary of State, Colin Powell, made a statement, I think it was on ''Meet the Press,'' that he now believes, and I am reading again from the New York Times dated today, that ''he now believes that the Central Intelligence Agency was deliberately misled about evidence that Saddam Hussein was developing unconventional weapons.''

Now, stop for a moment to think of this, that the Secretary of State, who made the presentation before the world at the United Nations, who built the case for this White House and for this President, now indicates that he was or the CIA was misled. The report goes on, ''He hinted at widespread reports,'' this is Secretary Powell, ''of fabrications by an engineer who provided much of the critical information about the so-called bioweapons labs. Intelligence officials have since found that the engineer was linked to the Iraqi National Congress, an exiled group that was pressing President Bush to unseat Mr. Hussein.'' This is a quote by the Secretary of State. ''It turned out that the sourcing was inaccurate and wrong and, in some cases, deliberately misleading,'' Mr. Powell said in an interview broadcast from Jordan, ''and for that I am disappointed and I regret it.''

Mr. INSLEE. Mr. Speaker, if the gentleman will yield.

Mr. DELAHUNT. I yield.

Mr. INSLEE. Mr. Speaker, my constituents are tired of being suckered with false information that both precipitated and continue this war in Iraq, and they want some accountability of what happened with such a massive amount of misinformation given to the American people leading up to this war. They want accountability, and they deserve accountability.

We offered today an amendment to the defense authorizations bill to be considered this week that will give Americans some accountability on the source of this information, of Mr. Chalabi's rogue group, this alleged Iraqi National Congress. And there is nothing congressional about it. It is a bunch of folks that want to go back in and run Iraq and who convinced the neoconservatives who are behind this war that we would all be greeted with rose petals because Mr. Chalabi would be seen as the great savior of Iraq.

This great fantasy was bought hook, line and sinker by the President of the United States and the administration, and it was a fraud. And it is time for the American taxpayers to have accountability here.

Now, what I am told, and I want to make sure it is true, but I am told taxpayers are still paying this group, this group that gave us, apparently willfully, or potentially willfully, false information leading to this war. We are still paying $350,000 a month for their great services in Iraq. What did this group do for the American people? It got us into a war based on false administration they gave to the administration. The administration was all too happy to accept that there were weapons of mass destruction there; that there was a connection to 9–11 and that they would be greeted as liberators, the three legs of this stool, all of which were false. And we are still paying these people.

So we will offer an amendment, hopefully tomorrow it will be allowed, I hope the majority will allow it to be considered, which will cut that money off, assuming the things I have suggested are true; and I believe they are. So we need some accountability here of this group. We cannot continue it.

And I want to make sure people understand how dire this is and how hoodwinked this administration was. And, frankly, I think they were patsies for this group. We paid millions of dollars very shortly after the Iraqi Army collapsed to fly into Iraq, I am told like some 800 or 900 of the cohorts and the coconspirators, if I can use the pejorative term that I think is appropriate here, of Mr. Chalabi's. We flew them into Baghdad, and it was going to be the sort of great saviors flying in that would be the recipient of all these rose petals and would quickly reestablish them as the functioning government of Iraq.

Surprise. They were not really welcomed with open arms in Baghdad. Totally failed. Wasted our millions of dollars, and they are still taking money from the taxpayers. Now, here is one mistake, at least one mistake the administration ought to own up to and fix so we do not continue pouring money down a rat hole in Iraq with the Iraqi National Congress, which has not helped us one wit.

Because, frankly, what Iraq needs is a real congress which is elected by the Iraqi people. These guys who are under indictment in Jordan, you cannot parachute him in and expect him to be welcomed as the savior of Iraq.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point.

Mr. INSLEE. Let me say one more thing. We need elections sooner rather than later in Iraq to vest them with their own destiny, and I will offer an amendment to do that as well.

I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, on that point, perhaps one of my esteemed colleagues could enlighten me as to the status of Mr. Chalabi and his brethren with respect to the sovereignty issue that is supposed to come to full fruition on June 30. I am unable to determine from my inquiries as to exactly where the United Nations representative, Mr. Chalabi, and Mr. Bremer cross paths.

And to the degree or extent that they are in contact with one another, let alone in league with one another, exactly what the elements of that sovereignty will be with respect to this Iraqi governing council and Mr. Chalabi. Do any of my colleagues have any information on that or is everybody as much in the dark as I believe the American people and the Iraqi people are?

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Well, I was just going to say that we have as much of a clue as the American officials in Iraq have, which is no clue at all. I do not think anybody has any idea what is going to happen on June 30.

Mr. ABERCROMBIE. Well, Mr. Speaker, may I ask the gentleman to take the time back on that point?

Mr. HOEFFEL. Sure.

Mr. ABERCROMBIE. I, unfortunately, believe that we probably have a pretty good idea what is going to happen at that point. I believe that the American Armed Forces will be set adrift on a desert sea of anxiety, insecurity, and ineptitude.

The gentleman from Massachusetts (Mr. DELAHUNT) has characterized the present situation with respect to our policy as one of rampant incompetence, but I think that it is unfortunately all too safe to say that that will manifest itself on June 30 with an utter incapacity to discern even momentarily what the military mission of the United States Armed Forces will be at that point, other than to try to survive the day, survive the week, survive the month, survive any stop-loss that the Secretary of Defense might impose on the troops there and then get home.

Mr. Speaker, I yield back to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Well, Mr. Speaker, I do not think we have the answers. But, again, let me go back to this issue of

competence, because the President of the United States described the Secretary of Defense as a superb leader. I reject that description. I reject that description out of hand. One only has to see example after example, such as the relationship, and not just a single incident, with Mr. Chalabi. Clearly, the Kingdom of Jordan, which has been a steadfast ally of the United States, was insulted by the appointment of this individual, who is a convicted felon, to the Iraqi Governing Council.

King Abdulla of Jordan was here. I and several other members of the Committee on International Relations, I believe I was joined by my colleague here tonight, the gentleman from Pennsylvania (Mr. HOEFFEL), at a luncheon when I posed the question to the King, and congratulated him, by the way, for moving towards the democratization, if you will, of Jordan, whether he was ever consulted by Secretary Rumsfeld or by the President about the appointment of Mr. Chalabi. And he said, no, he was not even consulted. Yet here is an individual who established a bank, one of the largest banks in Jordan, then embezzled, according to the conviction, millions of dollars, causing the bank to collapse; and he then escaped from Jordan.

When asked just recently about Ahmed Chalabi potentially becoming the prime minister in the interim government, what King Abdulla said was, ''He was not the ideal choice.'' I daresay that was extremely diplomatic.

But at the same time let me go and quote another individual who has earned the respect of Members of this body and the American people, David Kay. Remember David Kay? He was assigned the task by this President, by this Secretary of Defense to go find the weapons of mass destruction; and he came back and said there are no weapons of mass destruction, Mr. President, and testified before the United States Senate that we were all wrong. We were all wrong.

But, of course, this White House, Mr. Bush and Mr. CHENEY and Mr. Rumsfeld cannot acknowledge that they were wrong. They were wrong about the weapons of mass destruction. They were wrong about the links between al Qaeda and Saddam Hussein. And now we find ourselves in a quagmire.

But this is what Mr. Kay had to say, who, by the way, was one of the most hawkish members of the United Nations monitors that went out and that was part of that inspection team, and who actually supported the war. But here is what he had to say. He now believes the Western countries' intelligence agencies got it wrong for two reasons. He is referring to the weapons of mass destruction. First, they were manipulated by Ahmed Chalabi and other dissidents whose central interest was ousting Saddam.

Just mentioning the name of the Iraqi National Congress leader makes Kay laugh. There is a guy who is so transparent. Chalabi asked me once, and again this is Mr. Kay speaking, why are you so concerned about the weapons of mass destruction? No one cares about weapons of mass destruction. And when asked by Tom Brokaw was he embarrassed, no, his response was, we are heroes in error.

Well that error has cost the American taxpayers hundreds of billions of dollars, the lives of American young men and women, and the loss of American moral authority and prestige in the war. Mr. Chalabi, that is disgraceful. That is disgraceful.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield.

Mr. DELAHUNT. I yield to the gentleman.

Mr. ABERCROMBIE. Perhaps it would be useful for us to note at this point that Mr. Chalabi does not occupy his position as a result of unilateral action on his part. Mr. Chalabi occupies this position because of the overt policies of this administration. The reason he is there, the reason that we are unable at this stage, at this stage, just prior to June 30, to say exactly what his position will be in the future is because he continues to receive the favor of this administration. He is there because Mr. Bush saw that he went there. He is there because he is supported to this day, to this moment by this administration.

Everything that has been said concerning him this evening is true. It is factual. It is contextual. We understand the meaning of what he said when he said we were heroes in error. And I happened to see that announcement; and let me tell my colleagues the words do not convey the sense of triumph, the sense of disdain, the condescending attitude or sense of his countenance when he pronounced those words. He was pleased with himself that he had been able to mislead the administration and that he was getting away with it.

It is one thing to deliberately mislead someone. They may not know what was going on. They may not know what happened. Maybe they should have known. Maybe they should have been paying more attention in the administration, but to give them the widest benefit of a doubt, perhaps they did not. But once someone announces to your face that you have been misled, and deliberately so, to continue to receive the favor of the person who made the appointment and allows it to continue, tells more about the person who does the appointing and ostensibly holds the power than it does about Mr. Chalabi.

□ 2245

Mr. DELAHUNT. Mr. Speaker, it can be summed up in one word, incompetence, and a lack of leadership and an inability to wage a war against terrorism that will succeed.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, just over a year ago at one of our first Iraq Watches, I recounted a visit that Mr. Chalabi paid to my office, as I think he did to most members of the Committee on International Relations in October 2002, just before the vote here in the House on the war authority on Iraq.

I talked to Mr. Chalabi for 10 or 15 minutes. He had an aide with him, and my chief of staff was with me. They left, and I turned to my aide and I said, That is the kind of man that my grandfather would have called a four-flusher. I do not think I have used that term since my grandfather died in the 1980s. I am not quite sure what it means. I think it must come from poker where a player has four cards for a flush, does not have the fifth, and you are all hot air and cannot be trusted and you are just a spin doctor.

That is exactly the impression that I got from Ahmed Chalabi that day, that he was spinning. He was spinning me, he was spinning the Congress, he was not a man of substance and not someone we should trust.

The sad fact is, as my colleagues have said here tonight, the administration trusted him. Paul Wolfowitz trusted him, Doug Faith, Donald Rumsfeld trusted him, and because those individuals trusted him, our President trusted him; and he is not worthy of our trust. As a matter of fact, I think we need to talk about all of this talk about resignations in the Department of Defense. I do not think we should allow those civilian authorities in the DOD the luxury of resigning. The President ought to fire them. He ought to fire Rumsfeld and Faith for the bad advice they have given him, for believing in people like Chalabi, for the lack of planning in Iraq, for sending troops over there without enough numbers, without the armored vehicles to keep them safe.

The failures of leadership in the Department of Defense are so great, including believing Chalabi, that the civilian leadership ought to go. While the President is at it, he ought to get rid of George Tenet for the bad intelligence regarding the failure of the weapons of mass destruction intelligence.

The only person that ought to resign in the administration is Colin Powell, because his advice is not being listened to, but that is another matter.

Mr. INSLEE. Mr. Speaker, I think the gentleman has put his finger on what we ought to call the Chalabi principle in the Bush administration. The Chalabi principle is this: If you tell the truth, you get fired by the President. If you tell a falsehood, you get promoted and praised.

That is a pretty strong statement, but let us look at the facts. General Shinseki told the truth. He said we are going to need several hundred thousand troops to prevent massive looting and anarchy after the army collapses, and it was true; so they canned him. General Zinni said the same thing; he gracefully was allowed to retire. Joe Wilson told the truth and pointed out that the President told a significant

falsehood to the American people and Congress in the State of the Union address, asserting that Iraq was getting uranium to build a nuclear weapon. He told the truth and so the President's people punished Mr. WILSON's wife by outing her CIA employment, which should be a Federal crime.

So if you tell the truth in the Bush administration, you can canned, punished, and your wife's career gets destroyed. But if you tell a falsehood, like Mr. Chalabi's outfit who gave us repeated misinformation, according to the Secretary of State, you get praised, you get the President trying to get you an in in the new government in Iraq, and you get $350,000 a month of taxpayers' money, together with the millions of dollars we spent trying to parachute them into Baghdad to form a new government, which was an abject failure, you are praised.

If you are Paul Wolfowitz, who told the Congress that oil revenues would pay for this and we would be greeted with rose petals, you are praised by the President.

And if you are the Defense Secretary, if you are wrong about WMD, wrong about the connection with 9/11, wrong about the number of troops we need, and wrong about not having armor and how we are going to pay for it and how much it is going to cost, if you are wrong about not having early elections, the Vice President says you are the best Secretary of Defense America has ever had. This is the Chalabi principle. We need to break this.

This is one of the things wrong with our Iraqi policy. The people telling the truth are not listened to, and the people fouling up get promoted. That needs to change.

Mr. DELAHUNT. Mr. Speaker, what is interesting is that David Kay, highly respected, the man that was charged by this President, it did not take him too long to conclude that Mr. Chalabi was transparent, a manipulator, a con man, if you will.

In addition to all that the gentleman has said, do my colleagues remember when the President of the United States delivered the State of the Union address this year, in January of 2004, who was sitting up right there in the gallery in the Bush family box? Does the gentleman remember?

Mr. HOEFFEL. I remember. It was Mr. Chalabi.

Mr. DELAHUNT. It boggles the mind, it is such rank incompetence, it is such an inability to see reality, to be fooled. It is not incompetence, it is gross negligence. In some other forum it might almost be funny, but here it is so tragic because it is not just about this President and this Vice President, but it is about war and peace and the American people and how we are viewed in the world, and it is the blood of our children, and it is mortgaging our future.

We should walk away from Mr. Chalabi now and begin to restore the confidence of the world in our ability to match reality and our dreams and aspirations.

Mr. ABERCROMBIE. Mr. Speaker, I would suggest that these discussions that we have held and are holding weekly on the floor here are meant to communicate with our colleagues and with the American people. This is our forum to do it. I think those who may be observing our proceedings here today need to take up, if they believe what we have said tonight, the cause of having Mr. Bush remove his support from Mr. Chalabi.

I think people across the country have to ask their representatives, as well as communicate with the White House. They have to ask their Representatives and Senators, do you support this Chalabi administration and the Iraqi Governing Council? Do you support Mr. Chalabi being a part of this sovereignty movement after June 30? If you do, there have to be serious questions about your competence to be holding office and acting on our behalf.

This is a question that needs to be asked. Americans need not feel impotent, they need not feel they are merely observers of what other people are doing to you and doing to this country. You can demand of your elected Representatives and Senators, where do you stand on this Chalabi issue?

It is not a matter of getting an individual, I am sure we all agree. He is representative of a failure of leadership. His position in the Iraqi Governing Council is an insult to those people who have been wounded and who have been killed during this war. It is an insult to those of us who uphold genuine ideas about freedom and democracy and their spread. So long as this man is there, being the official representative of the United States to the Iraqi Governing Council, to that same degree will we be disenabled from achieving any of these goals, regardless of how one feels about going to war in Iraq or not.

This is what needs to be done. You have to demand of your representatives, where do you stand on this issue of his continued presence as being officially supported by the United States of America?

Mr. DELAHUNT. Let me reclaim my time for a moment. I think it is important for Americans to understand that during the course of this week, we will be debating a bill that is described as the defense reauthorization bill. It is our purpose collectively as members of this informal group that came to being as a result of the gentleman from Pennsylvania's brainstorm almost a year ago now, this informal group is going to make every single effort to eliminate the funding and the authority for the funding for the Iraqi National Congress that is receiving some $4 million a year, as the gentleman indicates. For what, we do not know. For bad information, for self-aggrandizement, for certainly not the best interests of the United States.

We again, as the gentleman suggests, recommend that anyone who is interested in this issue, that shares our concern and our belief that this is very much a linchpin to beginning to restore our international respect and support, to contact their Senators and their Representatives to assist in this effort, to read about, not just listen to our comments, but to become engaged, educate themselves as to the role of this individual in the course of the past several years and the consequences to the United States simply because there were people in this administration, so-called neoconservatives that were looking for a reason to go to war in Iraq long before our national tragedy of September 11.

Mr. ABERCROMBIE. This is why it is so important, and I want to make sure everyone understands. We can do this. We do have a bill coming up this week, and if we are able to get on the agenda on the floor, we can stop the support for this group. It is fundamental to advancing the genuine interests of the United States and reestablishing some semblance of a foundation on behalf of freedom that we stop Chalabi from being represented on the Governing Council, as having the support of the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal business.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. BACHUS (at the request of Mr. DELAY) for today on account of travel delay.

Mr. ENGLISH (at the request of Mr. DELAY) for today on account of travel delay.

Mr. LEACH (at the request of Mr. DELAY) for today and the balance of the week on account of leading an official United States delegation to Taiwan.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. TIAHRT (at the request of Mr. DELAY) for today on account of official business.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

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

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

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

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

Mr. BURTON of Indiana, for 5 minutes, today and May 18, 19, and 20.

Mr. HUNTER, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, May 19.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, May 19.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 18, 2004, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003 and the first quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kay Granger	10/3	10/5	Canada		753.00						753.00
Commercial airfare							2,210.71				2,210.71
Hon. C.W. Bill Young	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00						614.00
David Jolly	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
Hon. Jim Kolbe	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Scott B. Gudes	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
John Blazey	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. James P. Morgan	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. John E. Sweeney	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Jo Ann Emerson	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Dave Weldon	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Charles H. Taylor	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Tom Latham	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Patrick J. Kennedy	11/8	11/10	Jordan (& Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. David E. Price	11/8	11/10	Jordan (& Iraq)		476.00						476.00
	11/10	11/11	Syria		262.75						262.75
	11/11	11/12	Germany		241.00						241.00
Hon. David Hobson	11/15	11/17	Kuwait		804.00						804.00
Hon. Robert Aderholt	11/15	11/17	Kuwait		804.00						804.00
Hon. Steny Hoyer	11/15	11/17	Kuwait		804.00						804.00
Brian Potts	11/15	11/17	Kuwait		804.00						804.00
Sarah Young	11/13	11/16	Germany		300.00						300.00
	11/16	11/18	Italy		1,000.00						1,000.00
Commercial airfare							4,946.28				4,946.28
Hon. Frank Wolf	12/3	12/7	Jordan (& Iraq)		916.00						916.00
Commercial Transportation							6,945.52				6,945.52
John Shank	11/30	12/2	United Kingdom		842.00						842.00
	12/2	12/4	Bulgaria		530.00						530.00
	12/4	12/7	Italy		1,383.00						1,383.00
Commercial airfare							6,131.37				6,131.37
Beverly Aimaro Pheto	11/30	12/2	Hong Kong		822.00						822.00
	12/2	12/4	Thailand		456.00						456.00
	12/4	12/6	Singapore		512.00						512.00
Commercial airfare							7,311.93				7,311.93
Elizabeth A. Phillips	12/3	12/10	Italy		2,100.00						2,100.00
									681.81		681.81
Commercial airfare							5,796.22				5,796.22
Hon. Dave Weldon	11/30	12/2	Zambia		690.00						690.00
	12/2	12/3	Rwanda		201.00						201.00
	12/3	12/4	Kenya		295.00						295.00
Commercial Transportation							8,781.06				8,781.06
John Blazey	12/8	12/18	India		2,488.00						2,488.00
Commerical airfare							9,410.00				9,410.00
Hon. Jack Kingston	12/11	12/13	Kuwait (& Iraq)		804.00						804.00
	12/14	12/14	Germany		191.00						191.00
Committee total					31,080.00		51,533.09		681.81		83,294.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL YOUNG, Chairman, May 13, 2004.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 17, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mark Foley	12/5	12/7	Italy		872.00		3,612.41				4,484.41
Committee total											4,484.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHRIS CONNELLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Connelly	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary	157,162.00	762.00						762.00
Committee total					2,139.00						2,139.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS CONNELLY, Apr. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ANDREW J. KEISER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Andrew J. Keiser	4/3	4/4	Qatar		148.00						148.00
	4/4	4/7	Jordan		714.00						714.00
	4/7	4/9	Hungary		508.00						508.00
Committee total					1,370.00						1,370.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANDREW J. KEISER, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. THOMAS G. DUNCAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 23, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas G. Duncan	4/18	4/23	Mexico		1,690.00		2,300.19				3,990.19
Committee total					1,690.00		2,300.19				3,990.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS G. DUNCAN, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 21 AND APR. 24, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	4/21	4/24	Denmark	DKK 5695.44	912.00					DKK 5695.44	912.00
Committee total					912.00						912.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, Apr. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 19, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		[4] 140.65				2,720.65
Hon. John Boozman	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Jo Ann Emerson	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Paul Gillmor	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Joel Hefley	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/18	Germany		211.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 19, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/18	2/19	France		460.00		(3)				2,331.00
Hon. Peter King	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Dennis Moore	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. John Tanner	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Hon. Ellen Tauscher	2/13	2/17	Belgium		1,660.00		(3)				
	2/17	2/19	France		920.00		(3)				2,580.00
Robin Evans	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
Charles Johnson	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
John Lis	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
Vince Morelli	2/14	2/17	Belgium		1,245.00						
	2/17	2/19	France		920.00		[6] 5,767.07				7,932.07
Susan Olson	2/13	2/17	Belgium		1,930.00						
	2/17	2/19	France		920.00		[6] 5,767.07				8,617.07
Marilyn Owen	2/13	2/17	Belgium		1,660.00		(5)				
	2/17	2/19	France		920.00		2,989.37				5,569.37
Mark Wellman	2/14	2/17	Belgium		1,245.00						
	2/17	2/19	France		920.00		[6] 5,767.07				7,932.07
Delegation Expenses:											
Representational Functions									5,044.44		5,044.44
Miscellaneous									286.74		286.74
Committee total					40,471.00		29,399.34		5,331.18		75,201.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] By train.
[5] Military and commercial air transportation.
[6] Commercial air transportation.

DOUGLAS BEREUTER, Apr. 22, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Goodlatte	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Hon. Frank Lucas	1/13	1/14	Marshall Islands		225.00	(3)					225.00
	1/14	1/15	Micronesia		325.00	(3)					325.00
Hon. Steve King	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00		1,104.80				2,066.80
Hon. Gil Gutknecht	2/15	2/16	Hungary		508.00		5,807.87				6,315.87
	2/17	2/18	Albania		603.00						603.80
	2/18	2/22	Germany		1,488.00						1,488.00
Shelley Husband	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Lynn Gallagher	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Brent Gattis	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Jason Vaillancoort	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Laverne Hubert	2/14	2/17	Denmark		939.00	(3)					939.00
	2/17	2/19	Ireland		962.00	(3)					962.00
	2/19	2/21	Norway		672.00	(3)					672.00
Committee total					20,488.00		6,912.67				27,400.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Apr. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Valerie L. Baldwin	1/5	1/6	Germany		250.00						250.00
	1/6	1/8	Italy		664.00						664.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/11	Italy		1,440.00						1,440.00
Commercial airfare							5,169.40				5,169.40
Dale Oak	1/5	1/6	Greece		284.00						284.00
	1/6	1/8	Italy		960.00						960.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/12	Italy		1,144.00						1,144.00
Commercial airfare							4,865.46				4,865.46
John Scofield	1/5	1/6	Greece		284.00						284.00
	1/6	1/8	Italy		960.00						960.00
	1/8	1/9	Tunisia		211.00						211.00
	1/9	1/12	Italy		1,144.00						1,144.00
Commercial airfare							4,865.46				4,865.46

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mark Murray	1/9	1/12	Uganda		850.00						850.00
	1/12	1/18	Congo		1,000.00						1,000.00
Commercial airfare							8,350.43				8,350.43
Christine R. Kojac	1/13	1/15	Thailand		579.00						579.00
	1/15	1/18	Cambodia		933.00						933.00
	1/18	1/19	Singapore		512.00						512.00
Commercial airfare							5,610.41				5,610.41
John Blazey	1/10	1/13	Vietnam		579.00						579.00
	1/13	1/15	Thailand		464.00						464.00
	1/15	1/18	Cambodia		933.00						933.00
	1/18	1/19	Singapore		256.00						256.00
Commercial airfare							9,544.15				9,544.15
Hon. David L. Hobson	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Hon. John P. Murtha	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Scott Lilly	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
David Morrison	1/12	1/14	Kuwait		1,056.00						1,056.00
	1/14	1/15	Kyrgystan		183.00						183.00
	1/15	1/16	Italy		334.00		(3)				334.00
Jeff Ashford	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									105.00		105.00
Commercial airfare							5,888.30				5,888.30
Tom McLemore	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									56.00		56.00
Commercial airfare							5,888.30				5,888.30
Tammy Hughes	1/22	1/25	Italy		1,307.00						1,307.00
	1/25	1/27	Bulgaria		455.50						455.50
									20.00		20.00
Commercial airfare							5,888.30				5,888.30
Hon. Mark Kirk	1/9	1/11	Pakistan		426.00						426.00
	1/11	1/13	Afghanistan		120.00						120.00
	1/13	1/17	India		594.00						594.00
									414.22		414.22
Commercial airfare							8,291.77				8,291.77
Loretta Beaumont	1/15	1/22	Mexico		1,200.00						1,200.00
									153.52		153.52
Commercial airfare							1,722.06				1,722.06
Alice Hogans	1/28	1/30	Jamaica		659.00						659.00
Commercial airfare							1,147.33				1,147.33
Hon. Roger Wicker	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,051.43				9,051.43
Hon. Jim Kolbe	2/15	2/16	Atlanta, GA		127.17						127.17
	2/17	2/20	South Africa		684.00						684.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,285.38				9,285.38
Hon. Nita M. Lowey	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							8,860.93				8,860.93
Mark Murray	2/15	2/20	South Africa		1,220.00						1,220.00
	2/20	2/24	Tanzania		1,024.00						1,024.00
Commercial airfare							9,051.43				9,051.43
Maureen Holohan	2/13	2/21	New Zealand		2,208.00						2,208.00
Commercial airfare							6,997.50				6,997.50
Hon. Jim Kolbe	2/6	2/8	Germany		808.00		(3)				808.00
Hon. Mike Ringler	2/18	2/22	Liberia		950.00						950.00
Commercial airfare							8,980.98				8,980.98
Hon. John E. Sweeney	2/12	2/14	Italy		400.00						400.00
	2/15	2/16	Jordan		476.00		(4)				476.00
Part Commercial airfare							851.10				851.10
Hon. Joe Knollenberg	2/14	2/18	France		1,832.00						1,832.00
Commercial airfare							7,130.57				7,130.57
Hon. James T. Walsh	2/14	2/17	Denmark		939.00						939.00
	2/17	2/19	Ireland		962.00						962.00
	2/19	2/21	Norway		672.00						672.00
Loretta Beaumont [5]	2/20	2/21	Costa Rica		186.87						186.87
									26.00		26.00
							37.50				37.50
Hon. C.W. Bill Young	3/12	3/16	Italy		673.00		(3)				673.00
Douglas Gregory	3/12	3/16	Italy		673.00		(3)				673.00
David Jolly	3/12	3/16	Italy		673.00		(3)				673.00
Hon. Joseph K. Knollenberg	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Hon. Chet Edwards	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Hon. Roger Wicker	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Carol Murphy	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Walter Hearne	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Valerie Baldwin	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Tom Forhan	3/19	3/20	Jordan		174.00						174.00
	3/20	3/22	Kuwait		666.00						666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Total					56,909.54		127,477.79		774.74		185,162.07
Thomas K. Baker	2/29	3/2	Costa Rica		406.50		3,271.94		216.55		3,894.99
	3/2	3/4	Colombia		350.00						350.00
	3/4	3/6	Mexico		576.00						576.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carroll L. Hauver	2/29	3/2	Costa Rica		406.50		3,271.94		189.24		3,867.68
	3/2	3/4	Colombia		350.00						350.00
	3/4	3/6	Mexico		576.00						576.00
Robert H. Pearre, Jr	2/29	3/2	Costa Rica		434.75		2,739.50		210.06		3,384.31
	3/2	3/4	Colombia		393.75						393.75
Committee totals					3,493.50		9,283.38		615.85		13,392.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Part military air transportation.
[5] In country for non-government paid conference; expenses paid for Costa Rica by Department of Interior.

BILL YOUNG, Chairman, Apr. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Israel and the United Kingdom, Jan. 5–10, 2004:											
Hon. Jim Saxton	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Jo Ann Davis	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Michael Turner	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Hon. Jim Cooper	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Thomas E. Hawley	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
William H. Natter	1/5	1/8	Israel		1,092.00						1,092.00
	1/8	1/10	United Kingdom		874.00						874.00
Commercial airfare							7,546.59				7,546.59
Visit to Russia, Jan. 10–17, 2004:											
Erin C. Conaton	1/10	1/17	Russia		1,700.00						1,700.00
Commercial airfare							5,712.50				5,712.50
Visit to Kuwait, Iraq, Kyrgyzstan and Italy with Codel Hobson, Jan. 12–16, 2004:											
Hon. John B. Larson	1/12	1/14	Kuwait		804.00						804.00
	1/13	1/13	Iraq (day trip)								
	1/14	1/15	Kyrgyzstan		235.00						235.00
	1/15	1/16	Italy		367.00						367.00
Visit to Jordan, Iraq and Germany, Jan. 15–18, 2004:											
Hon. James R. Langevin	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		67.45						67.45
Mr. Richard I. Stark	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		94.78						94.78
Mr. Dudley L. Tademy	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq (day trip)								
	1/17	1/18	Germany		94.78						94.78
Visit to Libya, Kuwait, Iraq, Pakistan, Uzbekistan and Germany, Jan. 25–31, 2004:											
Hon. Curt Weldon	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Solomon P. Ortiz	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Candice S. Miller	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Hon. Steve Israel	1/26	1/29	Kuwait		1,206.00						1,206.00
	1/27	1/28	Iraq (day trips)		804.00						804.00
Commercial airfare							5,192.27				5,192.27
Hon. Rodney Alexander	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Douglas C. Roach	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						200.00
Harald O. Stavenas	1/25	1/26	Libya		72.00						72.00
	1/27	1/28	Kuwait		804.00						804.00
	1/27	1/28	Iraq (day trips)								
	1/29	1/29	Pakistan		263.00						263.00
	1/29	1/30	Uzbekistan								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/30	1/31	Germany		200.00						200.00
Visit to Germany with Codel McCain, Feb. 6–8, 2004: Hon. Ellen O. Tauscher.	2/6	2/8	Germany		808.00						808.00
Visit to Kuwait, Iraq, and Germany, Feb. 6–9, 2004:											
Hon. Duncan Hunter	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Hon. Jim Saxton	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Hon. Silvestre Reyes	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Robert S. Rangel	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Robert L. Simmons	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Debra S. Wada	2/6	2/8	Kuwait		804.00						804.00
	2/7	2/8	Iraq (day trips)								
	2/8	2/9	Germany		189.00						189.00
Delegation expenses	2/6	2/8	Kuwait				237.24		1,734.22		1,971.46
Visit to Ecuador and Colombia, Feb. 14–18, 2004:											
Hon. Gene Taylor	2/14	2/16	Ecuador		409.00						409.00
	2/16	2/18	Colombia		675.00						675.00
Commercial airfare							2,130.50				2,130.50
William H. Natter	2/14	2/16	Ecuador		409.00						409.00
	2/16	2/18	Colombia		675.00						675.00
Commercial airfare							1,928.50				1,928.50
Visit to Qatar, Pakistan, Afghanistan and Kuwait, Feb. 16–20, 2004:											
Hon. John M. McHugh	1/16	2/17	Qatar		130.00						130.00
	2/17	2/19	Pakistan		526.00						526.00
	2/17	2/19	Afghanistan (day trips)								
	2/19	2/20	Kuwait		402.00						402.00
Commercial airfare							7,385.75				7,385.75
Visit to Libya, Mar. 1–3, 2004:											
Hon. Curt Weldon	3/1	3/3	Libya		373.00						373.00
Hon. Solomon P. Ortiz	3/1	3/3	Libya		373.00						373.00
Hon. Silvestre Reyes	3/1	3/3	Libya		373.00						373.00
Hon. Susan Davis	3/1	3/3	Libya		373.00						373.00
Douglas C. Roach	3/1	3/3	Libya		373.00						373.00
Harald O. Stavenas	3/1	3/3	Libya		373.00						373.00
Erin Conaton	3/1	3/3	Libya		373.00						373.00
Visit to Canada, Mar. 16, 2004:											
Robert S. Simmons	3/16	3/16	Canada		10.59						10.59
Commercial airfare							1,402.59				1,402.59
Committee total					39,244.60		69,268.89		1,734.22		110,247.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry Brown	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Hon. Dennis Moore	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Sean Spicer	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Committee totals					3,573.00						3,573.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEE

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, May 3, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nathan Deal	2/14	2/17	Denmark		939.00						939.00
	2/17	2/19	Ireland		962.00						962.00
	2/19	2/21	Norway		672.00						672.00
Hon. Darrell Issa	1/25	1/27	Libya		266.00						266.00
	1/26	1/27	Tunisia		211.00		3,387.60				3,598.60
Hon. Mike Ferguson	1/15	1/17	Jordan		476.00						476.00
	1/16	1/16	Iraq								
	1/17	1/18	Germany		94.78						94.78
Hon. James Greenwood	1/4	1/6	Jordan		467.00						467.00
	1/5	1/5	Iraq								
	1/6	1/9	Israel		724.00						724.00
James Barnette, Staff	1/13	1/17	England		1,748.00		5,872.53				7,620.53
Committee total					6,559.78		9,260.13				15,819.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Shelley Moore Capito	2/16	2/17	Kuwait		804.00		(3)				804.00
	2/19	2/20	Pakistan		526.00		(3)				526.00
Hon. Barbara Matthews	2/15	2/22	China		979.00		5,631.00		159.00		6,769.00
Committee total					2,309.00		5,631.00		159.00		8,099.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mark Souder	1/25	1/26	Libya		72.00						
	1/27	1/28	Kuwait		804.00						
	1/27	1/28	Iraq								
	1/29	1/29	Pakistan		263.00						
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						
Marc Wheat	1/27	1/28	Kuwait		804.00		3,680.28				
	1/27	1/28	Iraq								
	1/29	1/29	Pakistan		263.00						
	1/29	1/30	Uzbekistan								
	1/30	1/31	Germany		200.00						
Hon. Ron Lewis	2/6	2/8	Kuwait		804.00						
	2/8	2/9	Germany		189.00						
James Moore	2/14	2/19	Beijing		1,247.00		6,931.50				
David young	2/14	2/19	Beijing		1,247.00		6,931.50				
Hon. Chris Shays	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Lawrence Halloran	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Nicholas Palarino	1/4	1/6	Jordan		467.00						
	1/6	1/9	Israel		724.00						
Hon. Tom Davis	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Hon. Carolyn Maloney	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Hon. John Carter	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Parkistan		526.00						
Hon. Chris Van Hollen	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
John Cuaderes	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Ron Martinson	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
David Rapallo	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
Robert Borden	2/16	2/18	Kuwait		804.00						
	2/19	2/20	Pakistan		526.00						
David Young	1/11	1/13	Mexico		288.00		2,289.82				
	1/13	1/15	Costa Rico		450.00						
Michael Yeager	1/11	1/13	Mexico		288.00		2,284.32				
	1/13	1/15	Costa Rica		450.00						
Joshua Sharfstein	3/27	3/31	Botswana		570.85		2,701.88				
Committee total					22,352.85		24,819.30				47,172.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abramowitz, David	1/5	1/7	Bahrain		176.00						176.00
	1/7	1/9	Qatar		348.00						348.00
	1/9	1/10	Kuwait		312.00						312.00
	1/10	1/14	Saudi Arabia		200.00						200.00
	1/5	1/14					[4] 6,960.79				6,960.79
David Adams	1/5	1/7	Bahrain		236.00						236.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		252.00						252.00
	1/10	1/14	Saudi Arabia		300.00						300.00
	1/5	1/14					[4] 6,960.79				6,960.79
	2/13	2/15	Egypt		384.00						384.00
	2/15	2/19	Israel		1,148.00						1,148.00
	2/13	2/19					[4] 6,254.67				6,254.67
Lara Alameh	1/5	1/7	Bahrain		336.00						336.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		282.00						282.00
	1/10	1/14	Saudi Arabia		30.00						30.00
	1/5	1/14					[4] 6,960.79				6,960.79
	2/13	2/15	Egypt		434.00						434.00
	2/15	2/21	Israel		1,248.00						1,248.00
	2/13	2/21					[4] 6,254.67				6,254.67
Douglass Anderson	1/2	1/8	Vietnam		1,122.00						1,122.00
	1/8	1/11	Cambodia		675.00						675.00
	1/11	1/13	Thailand		109.00						109.00
	1/2	1/13					[4] 6,757.26				6,757.26
Renee Austell	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		460.00						460.00
	1/15	1/17	Sri Lanka		319.00						319.00
	1/9	1/17					[4] 7,709.28				7,709.29
Patrick Brennan	2/18	2/22	Panama		792.00		2,042.50				2,834.50
Hon. Dan Burton	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
Malik Chaka	1/6	1/9	Guinea		426.00						426.00
	1/9	1/14	Liberia		786.00						786.00
	1/14	1/17	Ivory Coast		588.00						588.00
	1/6	1/17				[4] 6,214.99					6,214.99
Joan Condon	1/6	1/9	Guinea		426.00						426.00
	1/9	1/14	Liberia		786.00						786.00
	1/14	1/17	Ivory Coast		588.00						588.00
	1/6	1/17					[4] 6,214.99				6,214.99
David Fite	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4] 7,452.54				7,452.54
	2/15	2/16	United Kingdom		457.00						457.00
	2/16	2/18	France		816.00						816.00
	2/18	2/21	Austria		819.00						819.00
	2/15	2/21					[4] 2,092.00				2,092.00
Hon. Jeff Flake	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
Dan Freeman	2/28	3/5	Chile		780.00		5,801.42				6,581.42
Hon. Elton Gallegly	1/25	1/27	Tunisia		211.00		(3)				211.00
Kirsti Garlock	2/17	2/18	Ireland		431.00						431.00
	2/18	2/19	United Kingdom		259.00						259.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/17	2/22					[4] 5,249.72				5,249.72
Kristen Gilley	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		383.00						383.00
	1/15	1/17	Sri Lanka		484.00						484.00
	1/9	1/17					[4] 8,746.28				8,746.28
Dennis Halpin	1/10	1/13	Taiwan		834.00						834.00
	1/13	1/18	Japan		1,532.00						1,532.00
	1/10	1/18					[4] 7,085.73				7,085.73
Hans Hogrefe	1/9	1/11	India		396.00						396.00
	1/11	1/14	Nepal		453.00						453.00
	1/15	1/18	Sri Lanka		489.13						489.13
	1/9	1/18					[4] 7,666.55				7,666.55
Hon. Amo Houghton	2/15	2/18	France		1,374.00						1,374.00
Jonathan Katz	2/16	2/18	Belgium		784.00		5,701.05				6,485.05
	2/23	2/24	Netherlands		322.00		6,547.79				6,869.79
Kenneth Katzman	2/27	3/1	Kuwait		1,206.00						1,206.00
	3/1	3/2	France		458.00		(3)				458.00
David Killion	1/7	1/8	Thailand		182.00						182.00
	1/8	1/11	Cambodia		675.00						675.00
	1/11	1/14	Thailand		400.00						400.00
	1/14	1/18	Sri Lanka		504.00						504.00
	1/7	1/18					[4] 8,564.89				8,564.89
Robert King	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					[4] 8,595.85				8,595.85
Hon. Tom Lantos	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					[4] 8,595.85				8,595.85
Hon. James Leach	1/25	1/28	Sweden		1,035.00						1,035.00
	1/28	1/31	Ireland		1,302.01						1,302.01
	1/25	1/31					[4] 4,473.19				4,473.19
Jessica Lewis	2/16	2/18	Bolivia		196.00						196.00
	2/18	2/20	Venezuela		396.00						396.00
	2/16	2/20					[4] 3,467.54				3,467.54
Caleb McCarry	2/16	2/18	Bolivia		216.00						216,00
	2/18	2/20	Venezuela		466.00						466.00
	2/16	2/20					[4] 3,123.38				3,123.38
James McCormick	1//2	1/8	Vietnam		1,062.00						1,062.00
	1/8	1/11	Cambodia		655.00						655.00
	1/11	1/14	Thailand		400.00						400.00
	1/15	1/18	Sri Lanka		484.00						484.00
	1/2	1/18					[4] 8,536.46				8,536.46
Hon. Thaddeus McCotter	3/1	3/3	Libya		340.00		(3)				340.00
John Mackey	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4] 7,452.54				7,452.54
	2/16	2/18	Ireland		431.00						431.00
	2/18	2/19	United Kingdom		324.00						324.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/16	2/22					[4] 5,249.72				5,249.72
	3/13	3/16	Austria		800.00		4,104.55				4,904.55

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alan Makovksy	1/5	1/7	Bahrain		176.00						176.00
	1/7	1/9	Qatar		368.00						368.00
	1/9	1/10	Kuwait		352.00						352.00
	1/10	1/14	Saudi Arabia		220.00						220.00
	1/5	1/14					[4] 6,960.79				6,960.79
	1/24	1/26	Libya		200.00						200.00
	1/26	1/27	Netherlands		350.00						350.00
	1/24	1/27					[4] 8,595.85				8,595.85
Richard Mereu	1/25	1/27	Tunisia		211.00		(3)				211.00
Paul Oostburg-Sanz	2/16	2/18	Bolivia		216.00						216.00
	2/18	2/20	Venezuela		466.00						466.00
	2/16	2/20					[4] 3,724.38				3,725.38
Hon. Mike Pence	2/27	3/1	Kuwait		1,206.00		2,926.00				4,132.00
Patrick Prisco	2/18	2/20	Austria		546.00		4,563.80				5,109.80
Frank Record	1/24	1/26	Libya		130.00						130.00
	1/26	1/17	Netherlands		171.00						171.00
	1/24	1/27					[4] 8,564.21				8,564.21
	2/14	2/22	China		1,717.00		7.060.50				8,777.50
Gregg Rickman	2/13	2/15	Egypt		391.00						391.00
	2/15	2/20	Israel		1,138.00						1,138.00
	2/13	2/20					[4] 6,254.67				6,254.67
John Walker Roberts	1/2	1/8	Vietnam		1,122.00						1,122.00
	1/8	1/11	Cambodia		675.00						675.00
	1/2	1/11					[4] 6,616.74				6,616.74
Rotem Roizman	2/17	2/18	Ireland		431.00						431.00
	2/18	2/19	United Kingdom		324.00						324.00
	2/19	2/22	Italy		1,290.00						1,290.00
	2/17	2/22					[4] 5,138.00				5,138.00
Jonathan Scharfen	1/9	1/11	Pakistan		526.00						526.00
	1/13	1/14	United Arab Emirates		209.00						209.00
	1/9	1/14					[4] 7,452.54				7,452.54
Doug Seay	2/15	2/16	United Kingdom		457.00						457.00
	2/16	2/18	France		816.00						816.00
	2/18	2/21	Austria		659.00						659.00
	2/15	2/21					[4] 6,240.50				6,240.50
Hon. Nick Smith	3/1	3/3	Libya		373.00		(3)				373.00
Sam Stratman	2/27	3/1	Kuwait		1,036.00						1,036.00
	3/1	3/2	France		458.00		(3)				458.00
Sarah Tillemann	1/10	1/13	Taiwan		734.00						734.00
	1/13	1/18	Japan		1,483.00						1,483.00
	1/10	1/18					[4] 7,085.73				7,085.73
Hillel Weinberg	1/11	1/14	Bangladesh		402.00						402.00
	1/14	1/18	India		922.00						922.00
	1/11	1/18					[4] 7,901.72				7,901.72
Hillel Weinberg	2/27	3/1	Kuwait		1,056.00						1,056.00
	3/1	3/2	France		408.00		(3)				408.00
Hon. Gerald Weller	1/13	1/15	Dominican Republic		426.00		1,636.40				2,062.40
	2/15	2/17	Trinidad		234.00				[5] 4,332.52		4,566.52
	2/17	2/19	Costa Rica		450.00						450.00
	2/19	2/22	Panama		519.00						519.00
	2/15	2/22					[4] 3,131.60				3,131.60
Hon. Robert Wexler	2/16	2/18	Belgium		784.00		5,701.05				6,485.05
	2/23	2/24	Netherlands		322.00		6,547.79				6,869.79
Peter Yeo	1/2	1/8	Vietnam		1,122.00		6,335.74				7,457.74
	1/24	1/26	Libya		600.00						600.00
	1/26	1/27	Netherlands		300.00						300.00
	1/24	1/27					8,595.85				8,595.85
Committee total					71,821.14		301,871.64		[5] 4,332.52		378,025.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfare.
[5] Indicates Delegation costs.

HENRY HYDE, Chairman, Apr. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND FEB. 21, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	1/4	1/13	China		2,341.00		5,236.36				7,577.36
Philip J. Kiko	1/4	1/13	China		2,341.00		5,236.36				7,577.36
George Fishman	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Brian Zimmer	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Stacey Dansky	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Danielle Brown	2/15	2/22	Mexico		1,656.00		2,176.62				3,832.62
Committee total					11,306.00		19,179.20				30,485.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Apr. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Pombo	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Madeleine Bordallo	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Dennis Cardoza	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Eni Faleomavaega	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Jeff Flake	1/13	1/14	Marshall Islands		225.00		(3)				225.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Lucas	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Denny Rehberg	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Steve Ding	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Tony Babauta	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Chris Wallace	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Lisa Wallace	1/13	1/14	Marshall Islands		225.00		(3)				225.00
Hon. Richard Pombo	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Madeleine Bordallo	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Dennis Cardoza	1/15	1/15	Micronesia		325.00		(3)				325.00
Hon. Eni Faleomavaega	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Jeff Flake	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Frank Lucas	1/14	1/15	Micronesia		325.00		(3)				325.00
Hon. Dennis Rehberg	1/14	1/15	Micronesia		325.00		(3)				325.00
Steve Ding	1/14	1/15	Micronesia		325.00		(3)				325.00
Tony Babauta	1/14	1/15	Micronesia		325.00		(3)				325.00
Chris Foster	1/14	1/15	Micronesia		325.00		(3)				325.00
Lisa Wallace	1/14	1/15	Micronesia		325.00		(3)				325.00
Todd Willens	3/15	3/19	Switzerland		1,212.00		5,743.79				6,955.79
Committee total					7,262.00		5,743.79				13,005.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD POMBO, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Doc Hastings	3/19	3/20	Jordan		174.00		(3)				174.00
	3/20	3/23	Kuwait		666.00		(3)				666.00
	3/22	3/23	Germany		366.00		(3)				366.00
George Rogers	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Ed Cassidy	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Susan McAvoy	1/13	1/17	London		1,748.00		5,872.53				7,620.53
Committee totals					6,450.00		17,617.59				24,067.59

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military Air Transportation.

DAVID DREIER, Chairman, Apr. 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ken Kellner	2/15	2/19	Latvia		949.50		2,229.20			(3)	3,178.70
Committee total					3,178.70						3,178.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] All funding for this trip was provided by the Department of Justice/OPDAT.

JOEL HEFLEY, Chairman, Apr. 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Duncan	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Jerry Costello	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Peter DeFazio	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. Steve LaTourette	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Boozman	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Sullivan	1/22	1/24	Jordan		714.00		(3)				714.00
Jimmy Miller	1/22	1/24	Jordan		714.00		(3)				714.00
Susan Bodine	1/22	1/24	Jordan		714.00		(3)				714.00
John Cullather	1/22	1/24	Jordan		714.00		(3)				714.00
Hon. John Duncan	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Jerry Costello	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Peter DeFazio	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. Steve LaTourette	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. John Boozman	1/25	1/27	Morocco		753.00		(3)				753.00
Hon. John Sullivan	1/25	1/27	Morocco		753.00		(3)				753.00
John Miller	1/25	1/27	Morocco		753.00		(3)				753.00
Susan Bodine	1/25	1/27	Morocco		753.00		(3)				753.00
John Cullather	1/25	1/27	Morocco		753.00		(3)				753.00
John Pawlow	2/8	2/14	London		2,742.00		5,873.20				8,615.20
John Cullather	2/8	2/14	London		2,742.00		5,873.20				8,615.20
Hon. Mark Kennedy	2/14	2/16	Hungary		508.00		4,542.51				5,050.51
	2/17	2/17	Bosnia		151.00						151.00
	2/18	2/18	Albania		54.00						54.00
Hon. Jim Oberstar	2/14	2/15	Amsterdam		327.00						327.00
	2/16	2/19	Paris		1,374.00		2,972.18				4,346.18

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Petri	2/16	2/19	Paris		1,374.00		3,209.40				4,583.40
Hon. Michael Burgess	2/16	2/18	Kuwait		804.00		(3)				804.00
	2/19	2/20	Pakistan		526.00						526.00
Hon. Lincoln Davis	2/27	3/1	Kuwait		1,206.00		(3)				1,206.00
	3/1	3/2	France		458.00						458.00
Committee total					25,469.00		22,470.49				47,939.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Apr. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Wally Herger	2/14	2/17	Denmark		789.00		(3)				789.00
	2/17	2/17	Belgium				(3)				
	2/17	2/19	Ireland		862.00		(3)				862.00
	2/19	2/21	Norway		572.00		(3)				572.00
Hon. Nancy Johnson	2/14	2/18	France		2,317.00		1,075.09				3,392.09
Hon. J. D. Hayworth	3/19	3/20	Jordan		174.00		(3)				174.00
	3/20	3/22	Iraq/Kuwait		666.00		(3)				666.00
	3/22	3/23	Germany		366.00		(3)				366.00
Committee total					5,746.00		1,075.09				6,821.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, Apr. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Gibbons	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							7,412.32				8,505.32
Brant Bassett	1/6	1/8	Southeast Asia		358.00						
			Southeast Asia		735.00						
Commercial airfare							9,095.78				10,188.78
Merrell Moorhead	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							11,628.48				12,721.48
Michael Kostiw	1/6	1/8	Southeast Asia		358.00						
	1/8	1/10	Southeast Asia		735.00						
Commercial airfare							9,540.97				10,633.97
Patrick Murray	1/6	1/9	Central Europe		954.00						
Commercial airfare							4,203.00				5,157.00
Michael Fogarty	1/6	1/9	Central Europe		954.00						
Commercial airfare							6,261.13				7,215.13
Riley Perdue	1/8	1/15	Asia		2,240.00						
	1/15	1/17	Asia		734.00						
Commercial airfare							5,964.23				8,938.23
Michele Lang	1/8	1/11	Middle East		992.00		(3)				
	1/11	1/12	Middle East		130.75		(3)				
											1,122.75
Hon. Collin C. Peterson	1/9	1/19	Central & South America		2,312.000						
Commercial airfare							5,793.00				8,105.00
Patrick Murray	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Merrell Moorhead	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Robert Myhill	1/11	1/15	Europe		1,748.00						
Commercial airfare							5,870.95				7,618.95
Hon. Jane Harman	2/5	2/8	Europe		844.00		(3)				844.00
Hon. Sherwood Boehlert	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Hon. James Gibbons	2/13	2/14	Europe		209.00						
	2/14	2/16	Middle East		406.50						
Commercial airfare							5,053.95				5,669.45
Hon. Peter Hoekstra	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				948.50
Hon. Jane Harman	2/13	2/14	Middle East		209.00						
	2/14	2/16	Middle East		406.50						
	2/17	2/18	Middle East		333.00						
	2/18	2/18	Middle East		233.00						1,181.50
Hon. Dutch Ruppersberger	2/13	2/14	Middle East		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Michael Kostiw	2/13	2/14	Middle East		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Brant Bassett	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Michele Lang	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Kevin Schmidt	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
John Keefe	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Suzanne Spaulding	2/13	2/14	Europe		209.00		(3)				
	2/14	2/16	Middle East		406.50		(3)				
	2/17	2/18	Middle East		333.00		(3)				
	2/18	2/18	Middle East		233.00		(3)				1,181.50
Hon. Mac Collins	2/22	2/28	Asia		1,109.00						
Commercial airfare							4,144.50				5,253.50
Brant Bassett	2/22	2/28	Asia		1,109.00						
Commercial airfare							4,959.50				6,068.50
Hon. Collin C. Peterson	2/15	2/21	Central America		1,908.00						
Commercial airfare							2,465.00				4,373.00
Patrick Murray	2/16	2/20	Europe		1,920.00						
Commercial airfare							6,413.15				8,333.15
Merrell Moorhead	2/16	2/20	Europe		1,920.00						
Commercial airfare							6,413.15				8,333.15
Brant Bassett	3/11	3/13	North America		676.00						
Commercial airfare							556.91				1,232.91
Kevin Schmidt	3/11	3/13	North America		676.00						
Commercial airfare							556.91				1,232.91
Patrick Murray	3/12	3/15	Europe		2,542.00						
Commercial airfare							5,604.01				8,146.01
Joseph Jakub	3/12	3/15	Europe		2,542.00						
Commercial airfare							5,604.01				8,146.01
Brant Bassett	3/24	3/26	Europe		752.00						
Commercial airfare							7,334.22				8,086.22
Committee total											129,234.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER GOSS, Chairman, May 5, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Cox	2/29	2/29	Cuba				(3)				
Hon. Jennifer Dunn	2/29	2/29	Cuba				(3)				
Hon. Sheila Jackson-Lee	2/29	2/29	Cuba				(3)				
Hon. Bennie Thompson	2/29	2/29	Cuba				(3)				
Hon. Donna Christensen	2/29	2/29	Cuba				(3)				
Hon. Bob Goodlatte	2/29	2/29	Cuba				(3)				
Hon. Eleanor Holmes Norton	2/29	2/29	Cuba				(3)				
John Gannon	2/29	2/29	Cuba				(3)				
Mandy Bowers	2/29	2/29	Cuba				(3)				
Josh Weersinghe	2/29	2/29	Cuba				(3)				
Julie Sund	2/29	2/29	Cuba				(3)				
Mark Magee	2/29	2/29	Cuba				(3)				
Scott Bates	2/29	2/29	Cuba				(3)				
Jason McNamara	2/29	2/29	Cuba				(3)				
Sue Ramanathan	2/29	2/29	Cuba				(3)				
Hon. Robert Andrews	1/3	1/6	Jordan		467.00		(3)				
	1/6	1/9	Israel		1,086.00		(3)				1,553.00
Committee total					1,553.00						1,553.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRIS COX, Chairman, Apr. 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Ochs		12/30	USA				6,770.00				6,770.00
	12/31	1/6	Georgia		1,019.00						1,019.00
	1/6	1/9	Azerbaijan		796.00						796.00
Janice Helwig		1/9	USA				5,572.00				5,572.00
	1/9	4/9	Austria		16,358.00						16,358.00
Knox Thames		2/8	USA				6,501.00				6,501.00
	2/9	2/11	Germany		595.00						595.00
Marlene Kaufmann		2/14	USA				6,434.00				6,434.00
	2/15	2/18	Ireland		1,443.00						1,443.00
	2/18	2/21	Austria		819.00						819.00
Elizabeth Pryor		2/17	USA				5,021.00				5,021.00
	2/18	2/22	Austria		435.00						435.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/22	2/24	Belgium		531.00						531.00
Dorothy Douglas Taft		2/18	USA				(3)				
	2/19	2/20	Austria		398.00						398.00
	2/20	2/22	Greece		440.00						440.00
	2/22	2/23	Belgium		333.00						333.00
Hon. Christopher Smith		2/18	USA				(3)				
	2/19	2/20	Austria		546.00						546.00
	2/20	2/22	Greece		266.00						266.00
	2/22	2/23	Belgium		342.00						342.00
Hon. Benjamin Cardin		2/18	USA				(3)				
	2/19	2/20	Austria		546.00						546.00
	2/20	2/22	Greece		266.00						266.00
	2/22	2/23	Belgium		342.00						342.00
Hon. Alcee Hastings		2/17	USA				5,930.00				5,930.00
	2/18	2/21	Austria		819.00						819.00
Chadwick Gore		2/18	USA				(3)				
	2/19	2/20	Austria		475.00						475.00
	2/20	2/25	Greece		1,124.00		3,716.00				4,840.00
Elizabeth Pryor		2/28	USA				4,541.00				4,541.00
	2/29	3/3	France		1,145.00						1,145.00
	3/3	3/6	Belgium		754.00						754.00
	3/10	3/12	Austria		618.00						618.00
Maureen Walsh		3/2	USA				5,701.00				5,701.00
	3/3	3/6	Belgium		826.00						826.00
Ronald McNamara		3/23	USA				7,335.00				7,335.00
	3/24	3/29	Georgia		970.00						970.00
Michael Ochs		3/23	USA				7,424.00				7,424.00
	3/24	3/30	Georgia		1,087.00						1,087.00
	3/30	4/2	Azerbaijan		617.00						617.00
Committee total					38,057.00		60,798.00				98,855.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER H. SMITH, Chairman, Apr. 29, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8166. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Procedures for Reestablishing a Region as Free of a Disease [Docket No. 02–001–2] (RIN: 0579–AB53) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8167. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Highly Pathogenic Avian Influenza; Additional Restrictions [Docket No. 04–011–1] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8168. A communication from the President of the United States, transmitting request for a FY 2005 budget amendment to establish a contingent emergency reserve fund to support operations in Iraq and Afghanistan; (H. Doc. No. 108–185); to the Committee on Appropriations and ordered to be printed.

8169. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on activities and programs for countering proliferation and NBC terrorism, pursuant to Public Law 103–337, section 1503; to the Committee on Armed Services.

8170. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7555] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8171. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8172. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8173. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension (RIN: 3064–AC74); Department of the Treasury, Office of of the Comptroller of the Currency [Docket No. 04-] (RIN: 1557–AC76); Federal Reserve System [Regulations H and Y; Docket No. R–1156]; Department of the Treasury, Office of Thrift Supervision [No. 2004-] (RIN: 1550–AB79) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8174. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8175. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8176. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–244–FOR] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8177. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Federal Oil Valuation (RIN: 1010–AD04) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[The following reports were filed on May 14, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; with an amendment (Rept. 108–490 Pt. 1). Ordered to be printed.

Mr. HUNTER. Committee on Armed Services. H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; with amendments (Rept. 108–491). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 17, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Supplemental report on H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes (Rept. 108–490, Pt. 2).

Mr. POMBO: Committee on Resources. H.R. 2201. A bill 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 (Rept. 108–492, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; with an amendment (Rept. 108–493). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3505. A bill to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes; with an amendment (Rept. 108–494). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; with an amendment (Rept. 108–495). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 644. Resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit (Rept. 108–496). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. (Rept. 108–497). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on May 14, 2004]

Pursuant to clause 2 of rule XII the Committee on the Budget discharged from further consideration. H.R. 2432 referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on May 17, 2004]

Pursuant to clause 2 of rule XII the Committee on Veterans' Affairs discharged from further consideration. H.R. 2201 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2730 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2731 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 14, 2004]

H.R. 2432. Referral to the Committee on the Budget extended for a period ending not later than May 14, 2004.

[The following action occurred on May 17, 2004]

H.R. 2201. Referral to the Committee on Veterans' Affairs extended for a period ending not later than May 17, 2004.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PETRI (for himself and Mr. GEORGE MILLER of California):

H.R. 4370. A bill to ensure that the Direct Loan Program is a competitive alternative to the Federal Family Education Loan Program for schools and students; to the Committee on Education and the Workforce.

By Mr. LAHOOD (for himself, Mr. EMANUEL, Mr. JEFFERSON, Mr. LATOURETTE, Mr. SHIMKUS, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. MANZULLO, and Mr. QUINN):

H.R. 4371. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR (for himself and Mr. KENNEDY of Minnesota):

H.R. 4372. A bill to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance; to the Committee on Ways and Means.

By Mr. CAPUANO:

H.R. 4373. A bill to preserve the preeminence of the United States in scientific research by improving the Visas Mantis security check program through a reduction of processing times and improvement in efficiency under such program; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 4374. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. MCHUGH):

H.R. 4375. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY (for herself, Mrs. JOHNSON of Connecticut, Mr. MICHAUD, Ms. SLAUGHTER, Ms. MAJETTE, and Mr. UDALL of New Mexico):

H.R. 4376. A bill to amend the Small Business Act to establish funding priorities for women's business centers for fiscal year 2004; to the Committee on Small Business.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mr. CONYERS, Mr. JACKSON of Illinois, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. NADLER, Mr. FILNER, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. LEE, Ms. DELAURO, and Mr. SHAYS):

H.R. 4377. A bill to provide for the review by the Commissioner of Food and Drugs of the process by which the Food and Drug Administration made the decision not to approve the commercial distribution of the emergency-contraceptive drug Plan B as an over-the-counter drug, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. MCDERMOTT, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. BERMAN, Ms. LOFGREN, Mr. FROST, Mr. CAPUANO, Ms. LEE, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. KUCINICH, Mr. RAHALL, Ms. SLAUGHTER, Mr. OWENS, Mr. HONDA, Mr. HOYER, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. WATT, and Mr. SANDERS):

H. Con. Res. 427. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Charles Hamilton Houston; to the Committee on Government Reform.

By Ms. HARMAN:

H. Con. Res. 428. Concurrent resolution recommending that Congress not provide funds for fiscal year 2005 for the deployment of ground-based, strategic, mid-course, ballistic missile defense system components that have not met operational testing requirements and, instead, provide needed funding for programs designed to keep America's ports secure from terrorist attacks; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. MATHESON, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. MCKEON):

H. Res. 643. A resolution congratulating the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I–II men's volleyball championship; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio:

H. Res. 644. A resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

By Mr. SESSIONS:

H. Res. 645. A resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of

citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

ADDITIONAL SPONSORS

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

H.R. 20: Mr. ANDREWS.
H.R. 218: Mr. RUPPERSBERGER.
H.R. 236: Ms. PELOSI.
H.R. 577: Mr. RUSH.
H.R. 742: Mr. MCDERMOTT.
H.R. 811: Mr. PICKERING.
H.R. 857: Mr. LAMPSON.
H.R. 972: Mr. LEACH.
H.R. 996: Mr. SHUSTER and Mr. LAMPSON.
H.R. 1043: Mr. HALL.
H.R. 1080: Mr. PETRI.
H.R. 1149: Ms. LOFGREN.
H.R. 1288: Ms. MCCARTHY of Missouri.
H.R. 1565: Mr. STARK.
H.R. 1746: Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. DICKS, Mr. LUCAS of Kentucky, Mr. BECERRA, Mrs. KELLY, Mr. HONDA, Mr. WU, Mr. KING of Iowa, Mr. HEFLEY, and Mr. BOEHLERT.
H.R. 1812: Ms. WATSON and Mrs. DAVIS of California.
H.R. 2032: Mr. PASCRELL, Mr. MORAN of Virginia, and Mr. WELDON of Pennsylvania.
H.R. 2151: Mr. KING of New York.
H.R. 2258: Mrs. MCCARTHY of New York.
H.R. 2527: Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. DAVIS of Illinois, and Mr. ENGEL.
H.R. 2705: Mr. SHERWOOD.
H.R. 2880: Mr. OSBORNE.
H.R. 2901: Mr. TOWNS.
H.R. 2950: Mr. NEY, Mr. BELL, and Mr. ISAKSON.
H.R. 2983: Mr. PALLONE.
H.R. 3023: Mr. KILDEE.
H.R. 3085: Mr. PICKERING.
H.R. 3142: Mr. GOSS, Ms. BERKLEY, and Mr. MILLER of North Carolina.
H.R. 3165: Mr. ENGLISH.
H.R. 3178: Mr. BACHUS.
H.R. 3192: Ms. LOFGREN, Mr. BRADY of Pennsylvania, and Mr. BROWN of Ohio.
H.R. 3194: Mr. ADERHOLT, Mr. MCGOVERN, Mr. SHUSTER, and Mr. MEEK of Florida.
H.R. 3340: Mr. HASTERT.
H.R. 3350: Mr. MCGOVERN.
H.R. 3355: Mr. CASE.
H.R. 3438: Mr. CAMP.
H.R. 3458: Mr. BRADY of Pennsylvania.
H.R. 3459: Mr. OLVER.
H.R. 3460: Mr. FEENEY and Mr. SAXTON.
H.R. 3473: Mr. GOODLATTE.
H.R. 3474: Mr. DAVIS of Alabama.
H.R. 3476: Mr. PETERSON of Minnesota and Mr. LARSEN of Washington.
H.R. 3480: Mr. EMANUEL.
H.R. 3519: Ms. DELAURO.
H.R. 3591: Mr. FORD.
H.R. 3593: Mr. DEUTSCH.
H.R. 3619: Ms. HARMAN, Mr. CRAMER, and Mr. MARSHALL.
H.R. 3684: Mr. MEEHAN and Mr. REGULA.
H.R. 3755: Mr. GONZALEZ, Mr. MANZULLO, Mr. REHBERG, Mr. PLATTS, and Ms. NORTON.
H.R. 3779: Ms. MAJETTE.
H.R. 3831: Mr. PRICE of North Carolina.
H.R. 3859: Mr. JOHN, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, Mr. SANDERS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California and Ms. ESHOO.
H.R. 4023: Mr. BACA and Mr. CHANDLER.
H.R. 4026: Mr. ISRAEL and Mr. HULSHOF.
H.R. 4039: Mr. PLATTS and Mr. WYNN.
H.R. 4067: Mr. MARKEY and Mr. WEXLER.
H.R. 4104: Mr. BISHOP of Georgia.
H.R. 4116: Mr. SCHIFF, Mr. MOORE, Mr. KILDEE, Mr. BLUMENAUER, Mr. STENHOLM, Mr. DINGELL, Mr. BERRY, Mr. NADLER, Mr. SANDLIN, Mr. MATSUI, Mr. EDWARDS, Mr. SKELTON, Mr. HOYER, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.
H.R. 4122: Mr. HINOJOSA.
H.R. 4150: Mr. KENNEDY of Minnesota and Mr. BILIRAKIS.
H.R. 4155: Mr. BOSWELL and Mr. ENGEL.
H.R. 4156: Mr. PETERSON of Minnesota and Mr. MCHUGH.
H.R. 4169: Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Mr. PETERSON of Minnesota.
H.R. 4192: Mr. CLAY, Mr. PAYNE, Mr. CASE, Mr. ENGEL, and Mr. PALLONE.
H.R. 4205: Mr. RENZI.
H.R. 4233: Mr. MARKEY.
H.R. 4256: Mr. SCOTT of Virginia.
H.R. 4258: Mr. HOEFFEL, Mr. HOLT, Mr. FROST, Mr. MATSUI, and Ms. MCCARTHY of Missouri.
H.R. 4260: Mr. MCDERMOTT, Ms. MCCOLLUM, and Ms. LINDA T. SANCHEZ of California.
H.R. 4284: Mr. MURPHY, Mr. BEAUPREZ, Mr. EVERETT, Mr. BARRETT of South Carolina, and Mr. CULBERSON.
H.R. 4290: Mr. FILNER and Mr. GRIJALVA.
H.R. 4341: Mr. CLAY.
H.R. 4343: Mr. SULLIVAN.
H.R. 4346: Mr. OBEY, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. EMANUEL, Mr. CONYERS, Mrs. MALONEY, Mr. WYNN, Mr. ACEVEDO-VILA, and Mr. ISRAEL.
H.R. 4356: Mr. MCGOVERN.
H.R. 4359: Mr. BRADY of Texas, Mr. KNOLLENBERG, Mr. ENGLISH, Mr. MCCOTTER, Mrs. BIGGERT, Mr. WOLF, and Mr. BOEHLERT.
H. Con. Res. 163: Mr. BERMAN and Mr. GUTIERREZ.
H. Con. Res. 261: Mr. CLYBURN, Ms. BALDWIN, and Mr. WYNN.
H. Con. Res. 298: Mr. ADERHOLT, Mr. DUNCAN, and Mr. HENSARLING.
H. Con. Res. 366: Ms. MAJETTE.
H. Con. Res. 390: Ms. DELAURO, Mr. STUPAK, Mrs. KELLY, Mr. CULBERSON, Ms. MCCARTHY of Missouri, Mr. LYNCH, Mr. BONNER, and Mr. BOYD.
H. Con. Res. 391: Mr. CHANDLER.
H. Con. Res. 403: Mr. MORAN of Virginia and Mr. BARRETT of South Carolina.
H. Con. Res. 413: Mr. RUPPERSBERGER, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. PEARCE, Mr. SCOTT of Virginia, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. BEREUTER, Mr. VAN HOLLEN, Mr. CUNNINGHAM, Mr. BROWN of South Carolina, Mr. KNOLLENBERG, Ms. MAJETTE, Ms. HARRIS, Ms. KILPATRICK, Mr. FILNER, Mr. ROGERS of Alabama, Mr. BELL, Mr. SANDERS, Mr. BEAUPREZ, Ms. LOFGREN, Mrs. CHRISTENSEN, and Mr. FROST.
H. Res. 471: Mr. ENGEL.
H. Res. 550: Ms. MCCARTHY of Missouri and Mr. DICKS.
H. Res. 640: Mr. GREEN of Texas and Ms. DELAURO.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, MAY 17, 2004 No. 69

Senate

The Senate met at 12 noon and was called to order by the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina.

PRAYER

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

Let us pray:

Holy God, who takes our guilt away, You are the chief justice of the universe. Thank You that we can do nothing to earn Your forgiveness, so that we need not sink into regrets, shame, and excuses. You have buried our transgressions in the sea of forgetfulness. Wrap us with a robe of righteousness, as a bridegroom dresses for his wedding and as a bride is adorned with jewels. Help us to show our gratitude for our salvation by living for You.

Enable our Senators today to contribute to peace in our world. As they are empowered by You, the Prince of Peace, help these dedicated lawmakers to make Your work their work. Bless our pages who face the challenges of exams. Hasten the day when Your purposes will be done on Earth, even as they are done in heaven. We pray this in Your holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ELIZABETH DOLE led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mrs. DOLE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Madam President, today the Senate will be in a period of morning business until 2:30. At 2:30, the Senate will begin consideration of the Department of Defense authorization bill. The Chairman and ranking member of the Armed Services Committee will be here to begin working through amendments to that bill. Chairman WARNER and Senator LEVIN have indicated they will have an amendment ready to be voted on around 5:30. This will be the first vote of the day.

It is the majority leader's intention to complete action on the bill by the end of the week. Senators who wish to offer an amendment are encouraged to contact the bill managers as soon as possible so they can schedule floor time for the amendment's consideration. The leader stated that late night sessions are expected this week and Members should plan their schedules accordingly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Kentucky is recognized.

50TH ANNIVERSARY OF BROWN VS. BOARD OF EDUCATION OF TOPEKA

Mr. MCCONNELL. Madam President, I rise this morning to mark the 50th Anniversary of the Supreme Court's historic decision in the case of Brown vs. Board of Education of Topeka.

As I stand at my desk on the Senate floor, my eyes are often drawn to the inscription etched in marble directly above the rostrum.

The inscription reads, ''E Pluribus Unum.'' Translated into English, this means, ''out of many, one.'' The founding fathers selected ''E Pluribus Unum'' to signify the union of our thirteen original colonies into a single cohesive nation—the United States of America. They understood that America's future success, and indeed our strength, would be enhanced through this union.

As our Nation grew in size, population, and diversity, our national motto took on greater meaning.

Today, ''E Pluribus Unum'' reminds us that America is home to a collection of individuals of all races, creeds, and backgrounds. These individuals together make up America's strength and majesty.

I do not believe the architects of this hallowed chamber etched these words into such a prominent place by accident. As you know, Senate rules require every Senator to engage in debate—no matter how heated or contentious—through the presiding officer. These three words, ''E Pluribus Unum,'' inscribed directly above the presiding officer serve to remind us

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that regardless of the differences that may divide this body on a given day, we will emerge united as a Senate and united as a Nation.

As columnist George Will noted, we are ''a nation defined by our unum, not our pluribus.''

Yet, tragically, for much of our Nation's history, millions of African-Americans were excluded from fully participating in our democracy—first by slavery, and later through a system of State-sponsored segregation.

This system of legalized segregation was sanctioned by the Supreme Court case Plessy vs. Ferguson and its doctrine allowing for ''separate, but equal'' public accommodations, including schools.

It is with some pride that I note that a Kentuckian, Associate Justice John Marshall Harlan, was the lone dissenting voice on the Court in the Plessy case. In his stinging dissent, Justice Harlan argued:

> Our Constitution is color blind and neither knows nor tolerates classes among citizens . . . the destinies of the two races are indissolubly linked together, and the interests of both require the common government of all shall not permit the seeds of race hate to be planted under the sanction of the law.

Justice Harlan also noted, ''the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case''—referring to the case right before the Civil War.

Justice Harlan's words proved prophetic as more and more Americans grew to understand that a nation forcibly separated by law could never fully realize its destiny as a beacon of freedom, nor truly live up to its motto, ''E Pluribus Unum.''

By denying African-American children the equal opportunity to attend the same schools as their fellow citizens, States denied these children the opportunity to fully participate economically, socially, or politically in our society as adults.

Fifty years ago this morning, the Supreme Court agreed when it ruled in favor of the plaintiffs in Brown vs. Board of Education of Topeka. Simply, yet eloquently, a unanimous Supreme Court found, ''We conclude that in the field of public education the doctrine 'separate but equal' has no place. Separate educational facilities are inherently unequal.'' The Court later directed the States to move forward with desegregation ''with all deliberate speed.''

In 1954, Kentucky had already begun taking the first small steps towards integrating the State's schools. While the State's elementary and secondary schools remained segregated in 1954, Kentucky had begun chipping away at our state's infamous 1904 ''Day Law,'' which mandated racial segregation in public education.

On the day following the decision, the Louisville Courier-Journal noted, ''The Supreme Court, in a decision marked by reason and restraint, has enunciated a doctrine of morality.''

Madam President, it is fitting and appropriate that we mark the 50th Anniversary of the Brown decision. However, we must also understand that while Brown opened the schoolhouse doors to all children, it could not guarantee that every child, regardless of race, receives a high quality education.

That task has been left to the generations that have followed.

In the years since, educators have documented an unsettling and persistent achievement gap between minority and non-minority students. A similar gap exists between poor and non-poor students.

For example, in my home state of Kentucky minority students are much less likely to read proficiently at grade level than their non-minority counterparts. Similar results have been documented nationally.

For decades, the Federal Government spent countless billions with the goal of eliminating the achievement gap but without demanding any real accountability for improving results. Since no results were demanded, none were forthcoming.

From 1965 to 2001, the Federal Government spent more than $150 billion to address the achievement gap. Total education spending doubled during that period from 1965 to 2001, even after accounting for inflation. Yet during most of this period, reading and math scores remained flat. If funding were the problem, we would have solved the achievement gap years ago.

During this period too many Americans came to accept the achievement gap as the inevitable result of a student's environment or believe the erroneous claim that a certain percentage of students will not ever be able to meet even basic standards in reading and math. All too often, schools just passed these students along from grade to grade through social promotion policies. While the schools may not have failed students on their report cards, they failed to prepare them for life's challenges.

In his 2000 Presidential campaign, then-Governor Bush described this mistaken attitude as ''the soft bigotry of low expectations.'' Following his election, the President moved quickly with leaders in both parties to attack the achievement gap and enact the No Child Left Behind law.

This historic legislation is grounded in the simple principle that every child can learn and that no child should be left behind. It recognizes the fundamental importance of reading for all children. As the President has explained, ''Literacy is liberation. . . . The ability to read is what turns a child into a student. First we learn to read, and then we read to learn.''

The law sets high standards for all groups of students, and then holds schools accountable for improving academic achievement across the board. For the first time, the No Child Left Behind Act requires States to examine not only an entire school's progress but also the progress of subgroups of students within a school to make sure we do not give up on any child, regardless of their color, language, or economic circumstance.

If any of these subgroups is not meeting the school's goal of adequate yearly progress, then the whole school has failed to meet its goals. The days of spending and education without accountability are over. Setting high standards for all our students is critical to ensuring that every single child receives an equal opportunity for a quality education.

In writing for the unanimous court in the Brown decision, Chief Justice Warren noted:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Those words were never more accurate than they are today. While we mark the 50th anniversary of the historic Brown decision to opening America's schools to all children, we must also remember that ensuring every child receives a quality education is the ongoing responsibility for each generation of leaders that follows.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Madam President, I certainly agree with my friend from Kentucky that there is nothing more important than for us to ensure that our education system is accountable, is working well, and is fair to all students.

CONFERENCING THE HIGHWAY BILL

Mr. THOMAS. Madam President, I wish to take a moment to talk about another topic that I think affects us all. I just came back from my home in Wyoming. I heard a great deal of conversation about highways and the highway bill and the fact that we have not yet been able to pass a highway bill, both in the House and the Senate, and get together. The highway bill, of course, under which we have lived for the last 6 years, has expired, and we are doing a month or two extension of time. The fact is, that does not work very well. With some issues I suppose we could continue to do extensions. Building highways and upgrading highways is all done by contracts. The people responsible for highways need to know what their resources are going to be into the future so they can make those long-term decisions for highway construction contracts. We are unable to do that now.

The highway bill is one of the issues before us that is time imperative. The Environment and Public Works Committee, of which I am a member, has the primary responsibility for putting out a highway bill. We worked on it for a long time. We brought a bill to the floor, and it was passed by this body. It is a very good bill. It is a larger bill

than the one that passed out of the House, and it expends more money than the bill from the White House. The fact is, it is based on the money that is available, that is paid in taxes for highways.

We find ourselves in a strange situation. One of the issues about which all of us continue to be concerned, with a good deal of success, I might add, is working on creating jobs. There is no short-term passage of any bill that would provide more jobs than the highway bill, and these are contracting jobs, of course, in the private sector. It would be helpful for us in terms of getting those jobs in place.

The other is infrastructure. Again, there is nothing more important to the overall economy. Think about what it means in each of our lives, whether it is simply driving home, whether it is the business you are in, whether it is moving products all around the country. All we do is impacted by transportation and by highways.

It seems that this issue of highways is more imperative than most anything before us, and yet we have not been able to move it and get it out where it belongs—out to the States.

I am becoming more and more concerned about the fact that the Federal Government is getting itself involved in a lot of issues that should not be the focus or the role of the Federal Government. I am going to start pressing to see if we cannot develop a criteria as to what the role of the Federal Government ought to be. That is sort of what the Constitution does, but we stretched it out. In fact, I am gathering up a list to talk about one of these days of all the various funding programs in the Federal Government. All of us will be amazed when we see the numbers and the size of the book involved in listing all those programs.

Nothing could be more a function of the Federal Government, since the Federal Government charges a tax on every gallon of gas that we buy, than building an infrastructure system across the country, much of it Federal interstate highways. It is clearly a role for the Federal Government and one for which we are responsible.

As we do that, we need to allow the priorities to be set by the States. I do not agree with the House procedure of assigning all the different specialities before it goes out of here, but rather we ought to decide the formula for the allocation among the States and let the States then set their priorities, along with the Federal Government on Federal highways.

Obviously, highway systems perhaps in some ways are more important in rural States, such as Wyoming where we have one of the lower populations but have more road miles than any other State. So highways become very important. In other words, when those of us who work in Washington, DC, have to face the traffic, that becomes very important as well. In different ways, all of these needs are out there. We have an opportunity to do a great deal. We have the bill ready to go, but we cannot get the bill to conference so that we can begin to work out our differences.

As I mentioned, there are differences among the Senate, the House, and the White House, but that is not the first time that has ever happened. There is a system for putting that together. The system is a conference committee.

We cannot seem to get the contractors. The State workers and local governments deserve to be able to move forward and deserve to have a final bill out so those decisions and that movement can be made and so those jobs can be created and our system can be strengthened.

The conferees need to be appointed so we can get on the bill. That is all that is necessary now. I know some of us would like to have things differently. Naturally, there are disagreements on bills of this kind, particularly when getting into formulas for the distribution of dollars, but that is true with almost everything and that is what conference committees are for.

So we can move forward with that. The benefits that could come from it are second to none.

Pretty clearly, we have to continue to have improvements in the system. We find ourselves with more congestion. As time goes on, we will find ourselves with more safety problems. We need to do these things, as well as stimulate the economy.

So we need this bill. We need it for safety. We need it for the country. We need it for the energy. We need it to be able to conserve energy by having more efficient highways. We need to move forward on a number of the things that are there.

Unfortunately, we have some obstruction going on on the floor. Much of it has to do with seeking to make a point about the election that is coming up. Obviously, caring about elections and politics is not a brandnew thing, but we ought not to have obstruction to moving forward with a system that has been in place for years, a system that does work, a system that does reconcile differences which we always have.

We are held up on the energy policy, one that is very important to us. We are held up on class action reform. We are held up on asbestos legislation. We are held up on the approval of qualified judges. We are held up on medical liability protection. All of these issues are so very important. So it really hits home to us when we find ourselves in this situation.

As we go about talking to people at home, health care insurance, medical liability being part of that, is one of the issues we hear about, as well as the idea of improving education and highways. Those are the issues in which people are interested.

So I urge that we move forward with the system. We have done the work we have to do. In order to get it completed, we have to move on to a conference. We have to move on to reconciliation with the House and with the White House. It is just the system. There is just no reason to hold it up. We need to move forward, and we need to move forward quickly. So I hope we can do that.

I suggest the absence of a quorum.

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

The assistant journal clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. TALENT. Mr. President, I ask unanimous consent that the time spent in the previous quorum call be charged equally to both sides, and all other quorum calls during today's morning business period be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

BROWN V. BOARD OF EDUCATION

Mr. TALENT. Mr. President, I wish to take a few moments today—at least a few moments are justified—in offering some words to help the Nation celebrate the Brown v. Board of Education decision that occurred 50 years ago. It is a good thing we remember and honor that decision. That case was the culmination of a strategy by the NAACP and others that attacked racial segregation at its heart and, by the way, also a decision that redeemed the Supreme Court's record in cases of this kind because we should not forget the Court had earlier placed its imprimatur on slavery in 1856 in the Dred Scott decision and had subsequently placed its imprimatur on the Jim Crow decision in Plessy v. Ferguson in 1896. It was, indeed, time in 1954 for the Supreme Court to stand up for the Constitution and live up to the promises of the Declaration of Independence, specifically the promise that all of us are created equal, at least in this sense: that we are equal in our right to enjoy the inalienable rights that Almighty God gives us simply by virtue of the fact that we are people and have human dignity.

The history of the United States is, in one sense, a history of a progressive realization of that promise that in fact had been made in theory in the Declaration and also an understanding by the American people that unless that promise is realized and enjoyed by everybody, it is secure for nobody. Brown v. Board of Education was a milestone in that realization.

I do want to make the point that the Supreme Court's decision in Brown was not an isolated act of courage by nine Justices, although it was certainly a

courageous decision. It was, as I said before, the culmination of a strategy by the NAACP, but also years of advocacy by that group and other groups around the country and thousands of Americans on their own who refused to accept the assumptions underlying racial segregation and, indeed, refused to let the American people go on year after year quietly and in an unthinking way accepting those assumptions.

That activity by thousands and thousands of people in protests, in op-ed pieces, in books they wrote, in appearances on mass media, and just the way they conducted their day-to-day lives changed public opinion, by no means entirely in 1954 but enough so that the Brown v. Board of Education decision became possible, in a way that it would not have been possible—clearly was not possible in 1934 or even 1944.

The same Supreme Court, staffed by the same nine Justices, would not and did not issue a decision such as Brown v. Board of Education 20 years earlier or 10 years earlier because those people had not yet done enough of their work to move enough of the American people toward the right conclusion that that decision became possible.

In that sense, I suggest that people such as Jackie Robinson and others around the country probably did more to desegregate the schools than the Supreme Court did in Brown v. Board of Education, and certainly people such as Rosa Parks and Dr. Martin Luther King did more to ensure the implementation in practice of the Brown v. Board of Education than the Federal courts did.

I want to dedicate this day on which we justly celebrate the decision to the thousands of people, some who are recorded in history and some who have remained anonymous, who made that decision possible and helped correct a tremendous injustice and redeem America's honor before the bar of history.

The Supreme Court, in Brown v. Board of Education, changed laws, and that is hard, as we know in the Senate.

Those other folks, in standing up for the rights of their fellow citizens, changed hearts, and that is even more difficult.

Ms. MIKULSKI. Mr. President, today I rise to commemorate the 50th Anniversary of Brown v. Board of Education. Today, we celebrate the historic and unanimous Supreme Court decision that called for an end to racial segregation in schools throughout the nation. And as we honor those individuals who risked so much to challenge discrimination and establish a constitutional right to an equal education, I am filled with both hope and promise. Hope that the legacy of Brown will endure. Hope that equality and opportunity will soon be the reality for millions of school children who today still face segregation and inequality in their schools. And the promise that today we will renew our commitment to achieving the goal of equality that began 50 years ago with the Brown decision.

I am so proud to honor today the important role that the great state of Maryland played in this history of Brown. Maryland is the birthplace of Thurgood Marshall, the architect of the blueprint to end racial segregation in education. Thurgood Marshall grew up and attended racially segregated schools in Baltimore, he knew the impact of segregation first hand, and he took the fight for racial justice all the way to the Supreme Court. His thoughtful and strategic legal arguments were instrumental in knocking down racial segregation in our country. Maryland is also the home of the National Association for the Advancement of Colored People. Founded in 1909, the NAACP successfully fought to integrate the University of Maryland in 1935 and its leaders painstakingly planned and organized the challenge to racial segregation in public schools.

Brown marks a momentous beginning in American history. For the first time, the Supreme Court recognized a constitutional right to an equal public education for all students. And for the first time, the Supreme Court recognized that separate can never be equal. Brown is the foundation on the road to dismantling segregation in our society. The fight for equality started with the schools and progressed through the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968—all critical steps to rid the nation of segregation and disparities it fostered. Yet 50 years later we're still a long way from the promise of Brown v. Board of Education—equality in public education and opportunity for all students.

Why was the Brown decision so important? Because the Supreme Court said that regardless of race, color, creed or ethnicity education ''is a right which must be made available to all students.'' The Brown Court took the unprecedented step of examining how African-American children were being educated and the environments that they were learning in. And for the first time the Court used social science research to show that learning is compromised by segregation—and as a result Black students were receiving inferior educations. It was clear that poor schools, which invariably lacked resources, resulted in a lower quality of education for Black students than their white counterparts. Most importantly, the Brown decision, with a mighty hand, challenged Americans to confront the discrimination, segregation and inequality that existed in schools and in their communities.

Today, I urge Americans to renew that challenge. We must address the growing disparities in our schools and the re-segregation of students of color in our classrooms. Even a quick glance at our Nation's schools, including schools in Maryland, shows that the promise of Brown has not been realized. We know that students are still segregated—and that schools still are not equal. Students of color and poor students are more likely to be in overcrowded schools, without enough books and computers, in buildings that are often literally falling apart. They are often sidelined into special education classes—when what they really need is special attention.

I don't want the quality of education to depend on a family's income or the location they live in. As the Brown Court understood, having adequate resources and decent facilities matters. We need to make sure we have a public school system that works. That means smaller classes, a good teacher in every classroom, and making sure schools have resources to meet special needs—like bilingual education and special education. We need to keep fighting against the soft bigotry of low expectation.

Today, as we commemorate the Brown decision and the progress that has been made in the past 50 years, we renew our commitment to increase diversity and provide educational opportunities for all children regardless of race, ethnicity, socioeconomic status. We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in the United States of America—whether it is the old fashioned kind or the new fashioned kind. That means saying no to continued racial discrimination in education, and saying no to racial sidelining: pushing children of color into special education. Brown established education as a right to all students. We must continue to fight to protect that right, to make sure that the promise of an equal education is, in fact, a reality for all school children.

Ms. STABENOW. Mr. President, 50 years ago, a third grade girl named Linda walked a full mile each way to school, crossing through a dangerous railroad switchyard to do it. Only five blocks from her home was a very nice local school, but when her father petitioned for her admission, he was denied.

Why?

Because she was not white.

Fortunately, her father would not give up, and because of his tenacity, 50 years later, we can celebrate the landmark decision of Brown v. the Topeka Board of Education.

Since Thurgood Marshall argued his most important case involving over 200 plaintiffs in front of the same bench that he would later sit on, we have made great strides.

We have done away with the ridiculous idea that separate could ever be equal. We have legalized desegregation. Colleges and universities are becoming increasingly more diverse as parents who did not attend college are now able to send their children to institutions of higher education.

But there is so much more still to do. Until children of all backgrounds receive the same quality of teaching, have access to the same quality of

learning resources, and graduate from high school and secondary education at the same rate, our work is not finished.

Despite the Supreme Court's declaration in that landmark decision that education ''is a right which must be made available to all on equal terms,'' our country still remains far from providing an equal education to all.

Fortunately, I know we have the ability to change this and to ensure all children a first-rate education. We are the greatest and richest country in the world. We have the ability to make sure that our elementary and secondary schools are the best in the world.

We also need to make sure the doors to higher education remain open for all. We have the best universities and colleges in the world, and students from all over the globe dream about attending college in the U.S.

The result of the University of Michigan case went a long way towards keeping the hope of higher education open to all Americans. While the Brown case defined our parents' era, the current generation's battle is to move beyond the legalization of desegregation and make sure it actually happens, with the help of affirmative action.

I am pleased the Supreme Court upheld the efforts of the University of Michigan to promote diversity in university admissions. Education is the most effective tool and the critical first step to empowerment. Education is the tool that allows students to comprehend the world around them, and provides them the know-how to provide themselves with a superior quality of life.

We need to keep it going. Marian Wright Edelman, founder of the Children's Defense Fund and the first woman admitted to the Mississippi bar, once remarked, ''A lot of people are waiting for Martin Luther King or Mahatma Gandhi to come back—but they are gone. We are it. It is up to us. It is up to you.''

She is right. It is up to us to continue Dr. King's, Mr. Brown's, and everyone's journey for full equality.

Mrs. MURRAY. Mr. President, today marks the anniversary of one of the most important milestones in American history. Fifty years ago today, on May 17, 1954, the United States Supreme Court ruled unanimously in Brown v. Board of Education that separate was not equal in our schools.

This landmark ruling established the principle of equality in our laws and launched a national wave of racial integration and progress toward racial equality. We are all familiar with the laws that have been erased from the books, mandating separate and inferior facilities, services and treatment for African Americans. Americans can be proud that we have made progress against the evils of segregation. Today African Americans can live in any neighborhood they want, send their children to integrated schools, eat, drink, read, sleep, travel and enjoy recreation and entertainment in all the places every other American can.

These changes mark major progress, but the road to equality has never been quick or easy. James McClinton, the new African American mayor of Topeka, KS where the Brown case originated, was quoted recently in the Washington Post noting that the legacy of the decision is both fragile and incomplete. Just a year after the Brown decision, the Supreme Court issued another case known as Brown II, which led many school districts to drag their feet for years before integrating. We all remember when President Eisenhower had to send the military to Central High School to protect its first African American students, and the sacrifices African American students made to attend formerly all-white colleges and universities. The truth is, we still have a long way to go. Today is a day to celebrate the progress we have made, and the breakthrough Brown v. Board represented for racial and educational equality in America. But we cannot afford to just rest on our accomplishments since 1954. We must also look forward to 2054, and ask ourselves what opportunities we want our children and grandchildren to have then, and what they need us to do now to achieve those goals.

In 2004, African American students—as well as their counterparts in the Hispanic and Native American communities—are not performing as well as white students in our schools. I want to cite some statistics to paint a clear picture of what is going on in our schools. We first must wake up to the established, continuing and disturbing trend of resegregation. Studies have found that our schools have reached their peak of integration and now may be moving back to becoming resegregated. As we commemorate the Brown decision, we cannot afford to ignore this continued segregation. The National Assessment of Educational Progress found that while 74 percent of white fourth-grade students were good readers, barely half that many—39 percent of black fourth-graders earned the same designation. We have school buildings in disrepair and overcrowded classrooms, which not only makes teaching difficult, but sends minority and low-income students a powerful message that we do not value them or their education. Minority students are also much more likely to be in special or remedial education. In 1994, 31 percent of African American, 24 percent of Hispanic and 35 percent of Native American high school graduates took remedial classes, while only 15 percent of white and Asian American high school graduates did. Minority students make up 40 percent of our school-age population but just 14 percent of their teachers are minorities. According to the Leadership Conference on Civil Rights, white students are significantly more likely to have access to advanced academic programs than minority children and children with disabilities in the same school district, regardless of how wealthy or poor the district is. Our national high school graduation rate is an inadequate 69 percent, but when you dig deeper you learn that we are graduating barely half our minority students in this country—just 53 percent of Hispanic students, 51 percent of Native American students, and 50 percent of African American students.

It should surprise no one that if minority students don't perform well in high school, they will perform less well in college. As of 1999, white students were literally twice as likely as Hispanic and African American students to earn a Bachelor's degree. Both minority groups are underrepresented on America's college campuses. Not only is there a racial achievement gap, but that gap has actually widened in the last generation. In the 28 years from 1971 to 1999, the proportion of white high school students who earned at least a Bachelor's degree increased 13 points, to 36 percent. The proportion for African American students increased 5 points to 17 percent, and the share of Hispanic students rose 4 points to 14 percent. Imagine the larger social and economic consequences of these populations not going to or graduating from college, especially when our racial diversity is growing rapidly. We all know that you will earn a lot more money if you have a Bachelor's degree, and that American economic competitiveness in a globalizing economy depends on high-skill, high-wage jobs. We need to keep up our efforts to make sure that the color of someone's skin does not determine their opportunity to succeed.

If we are to ensure that children of color have an equal opportunity to go to college, get their degree and achieve the American dream, we must address the academic deficiencies in our high schools. Roughly half our minority students are graduating from high school, which means that nearly half are also dropping out. The No Child Left Behind Act, which I supported, requires for the first time that much of the academic achievement data we collect on our schools be separated, disaggregated, by race, students with disabilities, limited English proficiency, and students from low-income families. This step forward is critical to track achievement gaps and their trends over time. Disaggregated data is an important tool we need to target assistance and resources to reduce and eliminate racial achievement gaps. Yet currently the Department of Education is not requiring disaggregation of data on dropouts. This information is critical if we really want to reduce dropout rates and improve graduation rates for all students. I strongly urge Secretary Paige and the Department of Education to report disaggregation of dropout data.

We also know from numerous studies that the gaps between test scores of

low-income and middle-income students could be eliminated if all students had highly qualified teachers. If fully funded, the No Child Left Behind Act would put highly qualified teachers in all our classrooms, but, unfortunately, an amendment I offered on the budget resolution earlier this year to fully fund the Act, failed on a party-line vote. But even when No Child Left Behind is fully funded, as I hope it is next year, our work will still not be done with regards to our high schools.

That is why last summer I introduced S.1554, the Pathways for All Students to Succeed—PASS, Act. The PASS Act seeks to eliminate dropout, achievement and graduation gaps among our high school students. The PASS Act does three things. First, it will help students learn to read and write by providing $1 billion to help schools hire literacy coaches. Second, my bill ensures students are taking the classes and getting the support they need to finish school. It provides $2 billion for academic and career counselors to ensure students have a personalized plan for completing high school and going on to college. Finally, my bill provides extra help to schools that need it most. It provides $500 million in grants to help improve low-performing schools improve. I hope that the Senate will pass this bill this year.

The Brown v. Board decision was a momentous achievement for our Nation, and I am honored to mark its 50th anniversary today. At the same time, we must take the momentum of this celebration to fulfill the promise of Brown by ensuring that all our children have access to the highest quality education worthy of our great Nation.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the fiftieth anniversary of the Supreme Court decision of Brown v. Board of Education which declared separate but equal unconstitutional. I believe that ensuring that our public schools are open to everyone is a great equalizer in America.

I will soon be turning 49, and I know that having an integrated school system has enriched my generation by allowing all of us in South Carolina to learn, socialize, and compete together in a public school setting.

The brave men and women who fought to end the segregation of public schools have done a great service to South Carolina and our nation. It is appropriate they be honored accordingly and all of us should commit ourselves to build upon their legacy.

I join you and my colleagues in the U.S. Senate in commemorating this historic decision.

Mr. LUGAR. Mr. President, today marks the 50th anniversary of Brown vs. Board of Education, a U.S. Supreme Court landmark decision that sent shockwaves through the educational establishment. For the first time, the highest court in the country decided that ''separate educational facilities are inherently unequal'' and a violation of the 14th Amendment.

Before Brown vs. Board of Education, Indianapolis Public Schools had been forced by State law to scrap separate black and white schools. That change, however, did not necessarily result in integrated classrooms. Segregated communities left most of our schools racially homogeneous.

It was in this environment that I was elected to the Indianapolis Public School Board in 1964. Like much of the country, Indianapolis was experiencing the civil rights movement, and the Indianapolis Public Schools were in the middle of it all.

Our meetings were picketed and protested, and citizens staged ''sit-ins'' at the downtown headquarters. The U.S. Supreme Court had ruled on May 17, 1954, that separate but equal could not stand; yet in the 10 years that followed, IPS had not done much to integrate its schools.

To further the discussion, and to seek input on what would later become known as the Shortridge Plan; I held neighborhood meetings in school buildings around Indianapolis to discuss ideas for peacefully integrating the city schools. At one such meeting on the near Westside, participants literally picked up the furniture and threw it at each other. The police had to be called to restore order.

Later, the Shortridge Plan was adopted by the board, but not enthusiastically. Under the Shortridge Plan, IPS was to establish a college preparatory high school that would voluntarily draw the best and the brightest from all over Indianapolis, regardless of race. Some board members, and the community at large, saw this step as far too disruptive. Those individuals felt that the school board should not be involved in matters of race and sociology.

The plan worked because young Hoosiers responded. Before the plan was implemented, Shortridge was 90 percent African American, 10 percent Caucasian. The racial makeup of the applicants to the first entering class under the new plan was astounding: 53 percent Caucasian, 47 percent African American. In a year, the school became a national example of how young African American and Caucasian students could through their own individual choices come together to learn and study.

Unfortunately, in my second year of service on the board, polarization set in. A majority of the Board no longer felt that we should be involved in questions of race. In an election for president of the board, I lost 4–3. The issue of race, however, could not be avoided. Years later, the Federal courts implemented an involuntary busing system that forced our schools to seek some racial balance.

Brown vs. Board of Education set us, and the rest of the Nation, on an important path. While the Court opinion outlawed the notion of ''separate but equal,'' it persuaded us to address the larger issue of living together as one society. Brown v. Board of Education helped us to become a better Nation. But we still have much work to do.

Today, we face a different type of segregation; namely, the gap between those who receive a quality education and those who do not. The gap in reading achievement between blacks and whites is staggering nationally. It is 28 percentage points at the 4th-grade level. The gap in reading achievement between Hispanics and whites is also alarming nationally, 29 percentage points at the 4th-grade level. We are experiencing two education systems—separate and unequal. This is unacceptable.

The Federal Government's first major entry into public education was in 1965 when the Elementary and Secondary Education Act was passed to provide Federal aid to school districts with large percentages of children in poverty. The intent was to help level the playing field—to give extra aid to those children most in need. Despite a discretionary funding amount of $55.6 billion in fiscal year 2004, increased from $35.6 billion in 2000, achievement gaps have remained wide.

To help close these gaps and to help ensure that all children have an equal opportunity to learn, Congress and the Administration worked together to pass the No Child Left Behind education reform act in 2002.

Under No Child Left Behind, States must describe how they will close the achievement gap and make sure that all students, including those who are physically disadvantaged, achieve academic proficiency. In addition, they must produce annual State and school district report cards that inform parents and communities about State and school progress. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance. If corrective actions do not yield adequate progress after 5 years, schools must make dramatic changes in the management.

The idea is not to establish Federal control over the schools, but simply to push States and local school districts to take a hard look at each school's strong and weak points.

In many schools, an overall high performance has often hidden a weak performance by some student sub-groups. Because of this dynamic, the act requires that each sub-group be reported separately. Overlooking the fact that only one in six African Americans graduate with proficient reading skills is simply not acceptable.

Some have complained about the increased focus on school testing. But if we want each child to earn a meaningful high school degree, testing in lower grades is an important tool to reveal the strengths and weaknesses of each school. Testing allows schools to learn which students need help and what subjects must be taught better.

We all have the same goal—to improve our schools. All students must have the opportunity to get ahead, regardless of race or residence. On May

17, 1954, the U.S. Supreme Court unanimously declared that separate but equal could not stand as the law of the land. It is our job—50 years later—to make sure that we are faithful to this principle of equal opportunity. The success of all of our children and the economic future of our country depend on our determination.

Mr. FEINGOLD. Mr. President, I speak today on the 50th anniversary of the U.S. Supreme Court's landmark decision, Brown v. Board of Education. I join with all Americans in celebrating this decision, which, in many ways, inspired the modern civil rights movement.

In Brown, the Supreme Court upheld the right of all children to an equal education in our public schools. In its unanimous opinion, the Court stated ''[w]e conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.'' With these historic words, the doors of public schools were required to be opened to all children, regardless of their race, and efforts to end segregation in other aspects of American society gained momentum.

The slow integration of our public schools has been a difficult and sometimes painful process, with some clinging to any mechanism by which this process could be slowed or circumvented. The promise of children of all races and backgrounds coming together to study and to prepare for their futures has too often been clouded by the prejudices of adults. And while great strides have been made in the last 50 years, much work remains to be done to ensure that the phrase ''separate but equal'' is at long last relegated to the history books.

One of the most serious challenges facing public schools today is the No Child Left Behind, NCLB, Act, which includes a Federal testing mandate that has become an added burden for students and school districts.

Wisconsinites are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

Instead of piling more tests on public school students, concerned parents, teachers and school administrators want to know when the Federal Government is going to provide the funding it promised for education programs. While I have worked with many of my colleagues in the Senate to provide more of this funding, Congress still falls far short of providing the resources that students need. And schools are left to face mandate after mandate without the funding that they need to carry those mandates out.

No Child Left Behind not only adds to that list of Federal mandates, it also can impose harsh sanctions on schools that do not meet yearly goals, even though the programs that would help students and schools to meet those goals are not fully funded. Lagging test scores at a given school may mean that the school is labeled as ''failing,'' which can have serious, negative consequences for a school that may already be struggling.

I support a bill introduced by my colleague Senator DURBIN, which takes a different approach to the issue. This legislation seeks to ensure that schools get the funding they need to implement the mounting Federal mandates they face. The bill sets a minimum amount of funding that the Federal Government must provide for the Title I program, which supports programs for low-income and disadvantaged students. If a school doesn't get the minimum funding, it shouldn't be subject to the penalties that schools can receive under the NCLB law, and the Durbin bill would exempt schools from sanctions in any year that Title I is not funded at this minimum level.

As we saw when nationwide test results came in last fall, the legacy of Brown will not be fulfilled until we can close the gap on the racial disparities that persist in test results and also in graduation rates. Nor will education truly be equal for all students as long as we underfund special education programs and other programs critical to supporting students who are struggling to succeed in the classroom.

If lagging test scores prove that too many children are being left behind, the answer isn't to label them as failures. We must give those students the resources they need to succeed in school. Congress and the administration must do more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests required under the No Child Left Behind Act—tests that will have serious consequences for their schools. The legacy of the Brown decision is an education for all children on ''equal terms.'' Either we ensure that great legacy, or we fail the children who need our support the most.

The decision in Brown was one step in the continuing journey to America that Dr. Martin Luther King, Jr., dreamed would be ''a nation where [his children] will not be judged by the color of their skin but by the content of their character.'' A few years after the Brown decision, Congress began to do its part to combat inequality. It passed civil rights laws ensuring the right to vote to all Americans, banning discrimination in employment based on race, ethnicity, religion, national origin or gender, and prohibiting discrimination in public and private housing.

Our Nation has come a long way since 1954, but we still have work to do. Congress and the administration have a particular responsibility to advance the cause of freedom, justice, and equality for all Americans. Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long.

Perhaps no issue on this agenda is more urgent than racial profiling. Racial profiling is the insidious practice by which some law enforcement agents stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, or national origin. Reports in states from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police at rates far in excess of their share of the population and the rate at which they engage in criminal conduct.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—instead of good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans perceived to be Arab or Muslim.

President Bush pledged to end racial profiling over 3 years ago during his first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and called for an end to the practice. It is time for the administration to move this effort forward.

Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I have reintroduced our bill, the End Racial Profiling Act. Our bill bans racial profiling and requires Federal, State, and local law enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items this Congress and the Administration should follow through on its promise to address this issue.

The vast majority of law enforcement agents fulfill their duties professionally and without bias and we are all indebted to them for their courage and dedication. Racial profiling is ineffective and undermines their efforts to serve and protect all Americans.

In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues in this Congress—from education, to welfare, to a fair wage for an honest day's work, to improving our criminal justice system.

Congress should do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged state-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. We must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

Congress can also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague Senator KENNEDY in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to ensure that all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over a half a million people are denied the right to fully participate in their Government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under DC Delegate Eleanor Holmes Norton's leadership, to grant full congressional representation for the District of Columbia.

Congress and the administration must take concrete steps to protect Americans' civil rights.

As Dr. King said, ''This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.''

Mr. President, let us make real the promises of democracy and of Brown—a nation with liberty, justice, and equality for all. Let's begin that work in this Congress, in this body, and let's begin now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

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

Mr. ALEXANDER. Thank you, Mr. President.

PELL GRANTS FOR KIDS

Mr. ALEXANDER. Mr. President, a half century after Brown v. Board of Education, education on equal terms still eludes too many African-American schoolchildren. Secretary of Education Rod Paige has called America's persistent racial achievement gap ''the civil rights issue of our time.''

By the 12th grade, only one in six Black students and one in five Hispanic students are reading at their grade level. Math scores are equally as disturbing. Only 3 percent of Blacks and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children read at or below basic level at the end of the fourth grade while 75 percent of White students read at basic or above at the end of the fourth grade.

There is still a huge achievement gap among African-American children and White children. The No Child Left Behind Act's system of standards and accountability is creating a foundation for closing the gap. But funding disparities between rich and poor—too often minority children attend poorer schools—school districts remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math, and science.

These outcomes cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more Federal dollars to implement the requirements of No Child Left Behind with fewer strings—in other words, more Federal dollars, fewer Federal strings, and more parental say over how the Federal dollars are spent.

Does this sound too good to be true? I would suggest it is not. Look no further than our Nation's best-in-the-world higher educational system. There we find the Pell Grant Program, which has diversified and strengthened America's colleges and universities by applying the principles of autonomy and competition. This year, $13 billion in Pell grants and work study and $42 billion in student loans will follow America's students to the colleges of their choice. This is in sharp contrast to the local monopolies we have created in kindergarten through the 12th grade education, where dollars flow directly to schools with little or no say from parents.

That is why I have proposed Pell Grants for Kids, an annual $500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent's choosing. These are new Federal dollars, so no district would see a cut in its share of Washington's $35 billion annual appropriations for K through 12, and increases in funding for students with disabilities would continue. Armed with new purchasing power, parents could directly support their school's priorities, or they could pay for tutoring, for lessons and other services on the private market. Parents in affluent school districts do this all the time. Pell Grants for Kids would give less wealthy families the same opportunities—an example of such a family are the Holidays in Nashville, TN.

Raymon Holiday is a sixth grader who recently won the American Lung Association of Tennessee's clean air poster contest. I was there when he won the 10-speed bicycle you get for winning this poster competition. I met his father, an art major, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually the first to go when school budgets are cut. With Pell Grants for Kids, a typical middle school of 600 students where Raymon might be 1 of 500 middle- or low-income students who qualify to receive a $500 Pell Grant. His middle school would see a $250,000 increase in funding. Raymon would be assured of art lessons.

The Pell grant model also encourages great American entrepreneurship. Enterprising principals, like Raymon's principal, might design programs to attract parental investment: advanced math classes, writing workshops, after-school programs, English lessons—whatever is lacking due to funding constraints.

Surveys continue to show that while Americans are concerned with the state of public education, most support their own child's public school.

Herman Smith, superintendent of schools in Bryan, TX, would welcome the $6 million that would accompany 13,500 eligible Bryan students—90 percent of his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than Bryan dreams of spending for new programs and personnel. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan's population is almost half African American or Latino, while College Station is three-quarters white.

With 30 million American schoolchildren eligible for Pell Grants for Kids, my fellow fiscal conservatives are probably raising an eyebrow. But please listen. Every year, Congress appropriates increases in funding for kindergarten through the 12th grade. What I am offering here is a plan to earmark most of these new dollars—aside from increases for spending for children with disabilities—for parents to spend on educational programs of their choice. Otherwise, we will continue to invest in the same bureaucracies that have disappointed poor and minority families for too long.

Pell Grants for Kids could be implemented gradually, starting with kindergarten and first grade at an initial

cost of $2.5 billion. If the program had been in place during President Bush's first 2 years in office, the extra $4.5 billion spent on K-through-12 education—again, not counting another $3 billion for children with disabilities—would have created $500 scholarships for all 9 million middle- and low-income students through the third grade.

We have had 50 years to deliver an American education on equal terms to all students. But a baffling commitment to the status quo has prevented us from living up to Brown's noble legacy. This anniversary presents the perfect opportunity to inaugurate a new era, one that uses the strategy that helped to create the best colleges to help create the best schools. Let us start with Pell Grants for Kids and move on from there ''with all deliberate speed.''

I would like to make two or three additional remarks about Pell Grants for Kids.

As I mentioned, the idea is a pretty simple one—significantly new Federal dollars, fewer Federal strings, and more say by parents about how the money is spent.

To give you an idea of how much money that would be, I have taken a quick look in my home State of Tennessee. Tennessee has 938,000 students in kindergarten through the 12th grade. Pell Grants for Kids would be eligible to all those students who are from families below the state median income. The state median income for a family of four in Tennessee is about $56,000. So for families who have an income of $56,000 or below, each of their children would have a $500 scholarship that would follow that child to the school or other approved academic program of their parents' choice. We estimate about 60 percent of all of Tennessee students would be eligible for a $500 Pell grant. In some of the rural counties where there are a great many poor children, it might be 90 percent of the students. In other counties—Davidson, Maryville, Oak Ridge—it might be a smaller percentage.

But all in all, there should be about 562,000 students in Tennessee who would be eligible. This would bring an additional $281 million to Tennessee for K–12 education, and parents would have a say over how that money is spent.

Often when this issue comes up and we talk about spending more Federal dollars for local schools, the Senators on my side of the aisle get a little hot under the collar. We do not want to spend any more Federal money for local schools. On the other hand, when we say let's give the parents more say on how the money is spent, the collars get a little hot on the other side of the aisle because they are reluctant to give parents more choice.

This is a conflict of principles. It is the principle of equal opportunity—giving parents more choices. But there is another valid principle on the other side. It is called E pluris unum. We have public schools, common schools, to teach our common culture, and we do not want to harm them. It is a proper debate in this body to say let's ask questions if we are giving parents more say, more choices. Will that harm our common schools? And there is a proper way to ask in this Senate: Can we wisely spend that much more money? This is quite a bit more money. Fully funded Pell grants for kids programs would cost 15 billion in new Federal dollars a year. It would add about $500 to the $600 we now spend on each of the children in America today from the Federal Government. Only about 7 or 8 percent of the dollars we spend on children comes from the Federal Government. So it would be about a 70-percent increase in Federal funding for every middle- or low-income child fully funded.

We are proposing to do this over a long period of time. Basically, to add to the new money that we would appropriate every year for K–12, and give most of that to Pell grants for kids. This would create more equality in funding for poor districts. It would especially help African-American and minority kids. It would provide extra dollars to implement the standards of No Child Left Behind, and it would introduce for the first time into our K–12 system the principle that has created the best colleges in the world, the idea of letting money follow students to the institution of their choice.

Over the next several weeks, I will be discussing this with individual Senators. I have not prepared a piece of legislation yet because I don't want to stand up and say: Here it is, take it or leave it. Let's say one team says no choice and one team says no money, then we are back where we were. I am looking for ways to advance the debate. I don't believe we are going to be spending much more money through the Federal Government in the same way we are doing it today. A lot of Senators, and I am one of them, do not want to spend more Federal dollars through programs that have lots of Federal controls. We have seen the limit of command and control from Washington, DC, with No Child Left Behind. That program will work. But I don't believe we can expect to give many more orders from Washington to make schools in Schenectady, Nashville, and Anniston, AL, and Sacramento, better. That has to happen in local communities.

The right strategy is significantly new Federal dollars with fewer Federal strings and more parental say about how those dollars are spent. This does not have to be a Republican versus Democrat idea. I am not the author of this idea.

In 1947, the GI bill for veterans was enacted. Since that time, Federal dollars have followed students to the colleges of their choice. Today, 60 percent of America's college students have a Federal grant or loan that follows them to the college of their choice.

When I was president of the University of Tennessee, it never occurred to me to say to the Congress: I hope you do not appropriate any money for children to go to Howard University or Notre Dame or Brigham Young or Vanderbilt or Morehouse or the University of Alabama. We give people choices. Or put it another way, in my neck of the woods we told everyone where they had to go to college. We said, Senator SESSIONS, you have to go to the University of Tennessee. We said to young LAMAR ALEXANDER: You have to go to University of Alabama. Civil wars have been fought over such things.

That is exactly what we do in K–12. We give people choice and have created the best colleges in the world. We give them no choices and we have schools that we wish were better. So the idea would be to try what worked for colleges here in K–12.

I said I was not the only one to think of this. There was the GI bill for veterans—that was bipartisan—after World War II, maybe the best piece of social legislation we ever passed in the history of our country.

In 1968, Ted Sizer, perhaps the most renowned educator in America today, proposed a poor children's bill of rights, $5,000 for every poor child to go to any school of their choice, an LBJ power-of-the-people, liberal, Democratic idea at the time. In 1970, President Nixon proposed, basically, giving grants to poor children to choose among all schools. The man who wrote that speech for President Nixon was a man named Pat Moynihan. He was a U.S. Senator. In 1979, he and Senator Ribicoff, two Democrats, introduced essentially exactly the idea I am proposing today. In fact, in 1979 Senator Ribicoff and Senator Moynihan proposed amending the Federal Pell Grant Act and simply applying it to elementary and secondary students.

At that time, when the Pell grant was $200 to $1,800, a third grader could get a Pell grant, or if you were a high school student and you were poor, you could get a Pell grant.

Senator Moynihan said to this body in 1979:

> Precisely the same reason ought to apply to elementary and secondary schooling—if, that is, we are serious about education and pluralism and providing educational choice to low- and middle-income families similar to those routinely available to upper income families.
>
> This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972.

He was talking about Pell grants.

> It was the impulse by the Presidential message to Congress which I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

I am going to strongly urge my colleagues not to make a reflexive reaction to this idea because, on the one hand, it has too much money, or on the other hand, it has some choice. Think back over our history and think of our

future and realize we have the best colleges and we do not have the best schools. Why don't we use the formula that created the best colleges to help create the best schools?

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks Senator Moynihan's statement in the Senate in 1980, and following Senator Moynihan's remarks, an article which I wrote for the publication Education Next, which is being published this week, entitled ''Putting Parents in Charge.''

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

(See exhibit No. 1.)

Mr. ALEXANDER. This article goes into some detail about the Pell grants for kids proposal.

I look forward over the next several weeks to working with my colleagues, accepting their ideas and suggestions about how we improve our schools.

In June sometime I hope to introduce a piece of legislation, hopefully with a bipartisan group of Senators. In July, Senator GREGG and I have already discussed a hearing which we will have in the Health, Education, Labor, and Pensions Committee. And then perhaps next year, the President of the United States might want to make this a part of his budget.

I believe it is time in this country to recognize we need to give poor and middle-income parents more of the same choices of educational opportunities wealthier families have, that we may be able to do this without harming our public schools. We have had, since World War II, scholarships that have followed students to the educational institutions of their choice, and they have done nothing but help to create opportunity and create the best system of colleges and universities in the world. I think we ought to use the same idea to try to create the best schools in the world.

EXHIBIT 1

Mr. MOYNIHAN. Mr. President, I am today introducing a bill to make basic educational opportunity grants available to needy elementary and secondary school students. This complements the tuition tax credit bill that we recently introduced and in no way substitutes for it. Just as I believe that both need-based grant aid and tuition tax credits should be available to assist with the costs of college education, so also should the two alternatives be available for needy students with tuition costs at the elementary and secondary level.

As amended by the Middle Income Student Assistance Act of 1978, the basic grants program covers students from families with income up to $25,000; the grants range from $200, for students near the upper end of that scale, to $1,800 for students from very low-income families. Many students are not eligible for grant aid, and for them we have proposed tax credits. Some students would be eligible for grant aid, and they will presumably choose the one that suits them best. This will not necessarily be the form that produces the most assistance; for some, the simplicity of the tax credit may make it more attractive than the complex forms required to apply for a basic grant, particularly where the respective amounts of aid are not much different. Others, particularly the neediest, will plainly fare better under the grant program. But there is no redundancy or overlap between the two forms of aid: The tax credit would be available only for tuition which the student or his family actually pays; insofar as a basic grant (or other aid) covers tuition expenses, those expenses would not be eligible for a tax credit.

Precisely the same reasoning ought apply to elementary and secondary schooling—if, that is, we are serious about educational pluralism and about providing educational choices to low- and middle-income families that are similar to those routinely available to upper income families.

This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972. It was the impulse behind the Presidential message to Congress that I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

The basic grants program, and the other major student aid programs authorized under title IV of the Higher Education Act, will expire during the 96th Congress, and one of our important responsibilities in the next 18 months is to reform and extend them. I shall have more to say on that subject on other occasions. But it is none too early to introduce the idea that one reform that must be seriously considered is the inclusion of needy elementary and secondary school students.

It will doubtless be argued by some that this legislation is unconstitutional, inasmuch as many students with tuition costs at the elementary and secondary level are enrolled in church-related schools. I see no distinction of constitutional significance between the aid we already provide to students in church-related colleges and that which I propose to provide at the primary and secondary level, but I do not assert that the Supreme Court will necessarily agree with me. As with tuition tax credits, however, this question can only be resolved by the Supreme Court, and that can only happen if the authorizing legislation is passed by the Congress.

[From Education Next, Summer, 2004]

PUTTING PARENTS IN CHARGE

(By Lamar Alexander)

In 1990, as the new president of the University of Tennessee, I was trying to understand what had made American colleges and universities the best in the world. I asked David Gardner, then the president of the University of California, why his university has such a tradition of excellence. ''First, '' he said, ''autonomy.'' The California constitution created four branches of government, with the university being the fourth. The legislature basically turns over money to us without many rules about how to spend it.

''The second is excellence. We were fortunate, at our beginning, to have a corps of faculty dedicated to high standards. That tradition has continued. And third, generous amounts of federal—and state—money have followed students to the schools of their choice. That has increased opportunity for those who couldn't afford college, created choices that made good fits between the student and the school, and stimulated competition that encouraged excellent programs.''

Autonomy. High standards. Government dollars following students to the schools of their choice. That was the formula for the GI Bill, passed by Congress in 1944. The program gave World War II veterans scholarships redeemable at any accredited institution, public or private. Those veterans who didn't hold a diploma could even use the scholarships at Catholic high schools. With these scholarships came few federal rules, thus preserving the universities' autonomy. And by allowing students to choose their college, the GI Bill encouraged excellence and discouraged weak programs.

Not all university leaders welcomed the program. ''It will crate a hobo's jungle,'' warned legendary University of Chicago president Robert Hutchins. Instead, the GI Bill became the most successful piece of social legislation Congress ever enacted. It became the model for the federal grants and loans that today follow 58 percent of America's college students to the schools of their choice. In 1972, when Congress debated whether future federal funding for higher education should go directly to institutions or be channeled through students, the model of the GI Bill helped carry the day for the latter approach, which was surely the right one. Pell Grants (named for Sen. Claiborne Pell, D–R.I.), Stafford Loans, and other forms of financial assistance to students followed. This year the federal government will spend nearly $17 billion on grants and work-study programs and will provide an additional $52 billion in student loans.

Rarely has the federal taxpayer gotten so much bang for the buck. These federal vouchers trained the ''greatest generation'' and made it possible for a greater percentage of Americans to continue into higher education than in any other country. At the time of the GI Bill's passage in 1944, only about 6 percent of Americans held a four-year college degree. Today that figure stands at 26 percent.

Moreover, these scholarships have strengthened public institutions. At the end of World War II, 50 percent of American college students were attending public institutions. Today 76 percent choose to attend public colleges and universities. So many foreign students want to attend American university that some institutions impose caps in order to make room for lower-achieving homegrown students. British prime minister Tony Blair is overhauling his nation's system of higher education because he sees a growing gap between the quality of American and British universities. Likewise, former Brazilian president Fernando Henrique Cardoso recently told a small group of U.S. senators that the most important thing he would remember about his residency at the Library of Congress is ''the uniqueness, strength, and autonomy of the American university.''

Meanwhile, federal support for elementary and secondary education has taken just the opposite approach—with opposite results. Instead of allowing tax dollars to follow students to the schools of their parents' choice, the federal government gives $35 billion directly to the schools themselves (or to the states, which then give it to schools). In addition, thousands of pages of federal and state regulations govern how these funds are spent, thereby diminishing each school's autonomy. Measured by student learning, rarely has the taxpayer gotten so little bang for so many bucks. In 1999, 8th-grade students in this country were ranked 19th in math and 18th in science compared with 38 other industrialized nations. The National Assessment of Educational Progress, known as the nation's report card, shows other alarming trends. For example, between 1996 and 2000, the gap between affluent and poorer U.S. students actually widened in seven out of nine key indicators—like reading, math, and science. Two out of every three African-American and Hispanic 4th graders could barely read. Seventy percent of children in

high-poverty schools scored below even the most basic level of reading.

ENHANCING LOCAL CONTROL

It is time to try a different funding approach, and Pell Grants, the college scholarships offered to low-income students, provide a useful model. Congress should enact ''Pell Grants for Kids,'' which would provide a $500 scholarship to each middle- and low-income child in America. Children could use these scholarships at any public or private school or for any educational program, such as private tutoring. Homeschooled children would also be eligible for the scholarship, as long as the money was spent on an accredited educational program. Overall, the grant would be available to about 60 percent of America's 50 million primary and secondary school students, those whose families earn $53,000 or less. It would put the parents of approximately 30 million children directly into the education marketplace, each of them armed with a $500 grant, thereby encouraging choice and competition.

This idea has a distinguished lineage. In the late 1960s, Theodore Sizer, then at the Harvard Graduate School of Education, proposed a ''Poor Children's Bill of Rights'' that would have supplied scholarships of $5,000 per child to the poorest half of children in the United States, for use at any accredited school, public or private. In 1992, while I was serving as secretary of education under President George H.W. Bush, the president asked Congress to appropriate a half billion dollars to create a pilot ''GI Bill for Kids.'' The program would have awarded $1,000 scholarships to 500,000 children in states and cities that wanted to try the idea, but the Democrat-controlled Congress refused to enact it.

The most important point to make here is that most of this new scholarship money is likely to be used at the public schools that nine out of ten students now attend. I believe parents are likely either to give the money to their school to meet its general needs or to seek the school's advice on how best to spend the money to help their child. Surveys show that while many Americans are discouraged about the state of education generally, most parents support their own child's public school. Parents in affluent school districts regularly augment their schools' budgets with contributions for extra programs, particularly in the arts. Pell Grants for Kids would give children of low- and middle-income parents the same opportunity.

Pell Grants for Kids would provide more federal dollars for schools while also encouraging more local control—I mean more control by parents and teachers—over how that money is spent. Once parents make the decision about where the $500 will be spent, the principal and teachers in that school or program decide how it will be spent. For example, in a public middle school with 600 students, if two-thirds of the children are eligible for the grant, that's $200,000 in new federal dollars each year following those children to that school. This would be manna from heaven for schools, many of which engage in time-consuming charity sales to net $500 or $1,000 for needed programs and projects. Enterprising principals surely would design programs to attract parents' investment—perhaps an after-school program, an extra math teacher, or an intensive language course. And if they didn't, parents would have the option to spend the money on another accredited educational program that suited their child's needs, such as tutoring.

Aside from stimulating competition, these new federal funds would help to narrow the gaps in spending between wealthy and poor districts and make more real the promise that no child will be left behind. For example, in Bryan, Texas, property values average about $128,000 per student. Next door is College Station, home of Texas A&M University, where property values are $305,000 per student. As a result, College Station is able to collect far more in property taxes and its schools thus spend twice as much per student as those in Bryan. Last year Herman Smith, superintendent of schools in Bryan, told me, ''College Station is talking about cuts in programs and personnel that we could only dream of.''

About 90 percent of Bryan's 13,500 students would be eligible for the $500 Pell Grants for Kids, putting more than $6 million in new federal dollars into the hands of Bryan parents. They could then provide more funds to Bryan's public schools, as is likely, or use the scholarship to help pay for enrichment programs or private school tuition. Bryan would still have fewer dollars to spend than College Station, but the gap would narrow.

OVERCOMING OBJECTIONS

Let's consider some questions and criticisms that might accompany the Pell Grant for Kids proposal:

In a time of tight budgets, can the nation afford to offer $500 scholarships to 30 million schoolchildren? If it were enacted today, Pell Grants for Kids would cost $15 billion a year. A number of measures could be taken to ease the burden. First, implement the program gradually, providing $500 scholarships only to kindergarten and 1st graders in the initial year. This would cost just $2 billion. Second, over the next several years, devote most of the new appropriations for K–12 education (not related to children with disabilities) to Pell Grants for Kids. Done this way, it would not take many years to fully fund the scholarships while staying within a reasonable budget. For instance, if Congress had allocated two-thirds of all new federal spending (non-disability related) on K–12 education since 1992 to this program, $10 billion would have been available for scholarships this year—enough to provide full $500 scholarships to all middle- and low-income children in kindergarten through the 8th grade.

Or consider this: In just the first two years of the current administration, Congress appropriated $4.5 billion in new dollars for K–12 education (not counting another $3 billion more for children with disabilities). That $4.5 billion would have been enough to fully fund $500 scholarships for all nine million low- and middle-income children in kindergarten through 3rd grade.

Aren't K–12 schools and colleges so different that the Pell Grant analogy is invalid? It is true that schools and colleges sometimes emphasize different public purposes. For example, schools are asked to teach children what it means to be an American, to inculcate moral values, and to make up for poor parenting. Universities have research and public service missions that schools don't share. But the core mission of both schools and colleges is the same: teaching and learning. Most high schools teach some college courses. Most community colleges teach some high-school students. That is why it is so odd that the way the federal government funds K–12 education is so different from the way it funds colleges.

Aren't you overlooking some real problems that colleges have? No doubt universities have significant problems. Some college students don't pay back their loans. Some for-profit institutions are shams. Some courses are weird. Some tenured faculty members are worthless. In the context of rising tuition costs, there is too little interest in creating a less leisurely university calendar, in proposals such as requiring professors to work over the summer. Such abuses are the price of institutional autonomy and choice. Overall, however, American colleges and universities are by far the best in the world—and therefore useful models for how to improve our other educational institutions.

Can we trust middle- and low-income parents to spend $500 wisely on their child's education? I would remind those who make this condescending argument that Congress currently appropriates $8 billion each year to provide childcare vouchers to 2.3 million low-income parents. These parents may use the voucher at any licensed center, public, private, or religious. Likewise, 9.5 million low-income students may spend their federal student aid dollars at any accredited college. If Congress trusts low-income citizens to choose childcare and higher education providers for themselves, why not trust them to spend $500 on K–12 education programming for their children? In addition, because of our experience using established accrediting agencies to monitor Pell Grants for colleges, it should be relatively easy to create a similar system to make sure that Pell Grants for Kids are not spent on fly-by-night operations.

Will more federal funding mean more federal control over education? Pell Grants for Kids would actually reduce federal control over education. The current funding process dictates how federal dollars are to be spent and imposes heavy regulations on local schools. Letting federal dollars follow children to the school of their parents' choice would put control back into the hands of parents and teachers.

Would Pell Grants for Kids violate the principle of separation of church and state? Federal grants have followed students to parochial colleges since World War II and to parochial daycare centers since 1990.

Will giving individual schools so much autonomy leave some mired in mediocrity? Autonomy need not mean a lack of accountability. The No Child Left Behind Act requires states to establish tough academic standards and to measure students' and schools' performance on an annual basis. With these accountability systems in place, the argument for choice is that much stronger. Parents will have the knowledge of school performance to make informed choices about where to spend their new federal dollars. For this reason, students who decide to use their $500 scholarships at private schools would still be required to participate in their state's testing program.

Why not let all Title I money follow children to the schools of their choice? For now, I believe a gradual approach is warranted. The nation should begin by letting parents control how most, not all, of newly appropriated federal dollars for K–12 education are spent. Let's monitor parents' spending patterns and school performance for a while and then evaluate whether to expand the program.

But private school tuition costs far more than $500. Correct. So those who worry that vouchers will hurt public schools should relax. But six hundred parents armed with $500 each can exercise $300,000 in consumer power at a public middle school. Five hundred dollars can also help pay for language lessons or remedial help. At Puente Learning Center in South Los Angeles, Sister Jennie Lechtenberg teaches students of all ages English and clerical skills at an average cost to the center of $500 per year.

TOWARD BETTER SCHOOLS

Of course by themselves Pell Grants for Kids would not create the best schools in the world. As David Gardner said, it took autonomy and high standards in addition to generous funding following students to schools of their choice to help create the finest university system in the world. To increase schools' autonomy, Congress should provide generous support to the charter school movement, offer waivers from federal rules to successful school districts, and use its oversight power to simplify federal laws and regulations. To help schools aspire to the excellence most colleges enjoy, Congress needs to give schools more flexibility in administering the mandates of No Child Left Behind. To make it easier for schools to pay teachers more for teaching well, just as colleges do, Congress should encourage the National Board for Professional Teaching Standards and other efforts to reward outstanding teachers. These organizations, in turn, must make the measure of students' progress a key ingredient in a teacher's evaluation.

It is a mistake to expect that merely switching to the higher education model for funding is all Congress needs to do to help transform public schools. To help children arrive at school ready to learn, Congress should heed President Bush's challenge to strengthen Head Start by improving coordination, emphasizing cognitive skills, increasing accountability, and involving governors. So that state and local governments can remain financially sound enough to support good schools, Congress should keep its promise to end unfunded federal mandates. So that children can learn what it means to be an American, Congress should help states put the teaching of American history and civics back in its rightful place in school curricula.

Finally, no plan for better schools is complete without better parenting. In his research James Coleman found that, until a child is 14, parents are twice as important as school for the child's learning. Yet the United States has gone from a society that values the job of being a parent to one that has been waging a war on parents. Liberal divorce laws and the diminished importance of marriage, higher taxes, poor schools, trash on television, unsafe streets, uncontrolled illegal drugs, and inflexible work arrangements have all made it harder for parents raising children. No part of American society has paid a higher price for this than our schools. Giving every middle- and low-income child a $500 scholarship to help encourage choice within education is a start, but only a start, toward putting government and society squarely on the side of parents raising children.

Nonetheless, enacting Pell Grants for Kids should be the next central thrust of federal efforts to improve the nation's schools. For the past half century, the United States has actively supported the expansion and improvement of higher education through a generous funding system that encourages autonomy, choice, and competition. Our institutions of higher education have helped produce the research that has been responsible for creating half our new jobs since World War II. They have sculpted an educated leadership and citizenry that have made our democracy work and made it possible to defend our freedoms. It is past time to take the formula that has worked so well to help create the best colleges in the world and use it to help create the best schools for our children.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to Senator ALEXANDER of Tennessee for his wise remarks. Listening to the Senator, it reminded me of that advertisement: When E.F. Hutton speaks, you should listen. When Senator ALEXANDER talks on education, we ought to listen, and, indeed, when he speaks on a lot of subjects. He has served as Secretary of Education for the United States. He has been the president of the University of Tennessee. He has also been the Governor of Tennessee who had to run their school systems. He brings tremendous wisdom and experience and insight to this issue.

It must be our goal to improve the quality of education for children in America today. We have to work on that issue. We are not where we ought to be. There is too much inequality today.

I also think about Brown v. Board of Education, as we celebrate that historic decision today, and that Senator ALEXANDER clerked for Judge John Minor Wisdom, one of the judges who is famous in the old Fifth Circuit for enforcing Brown v. Board of Education.

Brown v. Board of Education had more impact than most decisions have ever had from the Supreme Court. As a young student in school, I rode a bus every day 15 miles to school. As we went north on the road to my school, we would pass a bus with African American children heading south. So the white kids went to the school up in the northern end of town, and we would pass one another. I went further than I should have traveled to get to school, and they went further than they should have traveled to get to their school.

In addition, the schools of the African-American community were not as good, and their schoolbuses were not as good, for the most part, either. It was not an equal system.

The Supreme Court of the United States considered the issue in 1954, and they evaluated what was happening. They said the laws of the United States should treat people equally, and that it is not equal treatment to say to a person: You cannot go to this school, although you may live quite close to it, simply because of the color of your skin. We had grown up with that situation. People did not give it much thought. They accepted it as the way things were. The Supreme Court ruled differently, and people complained about it. Some even said it was activism and the Supreme Court was overreaching. But if you read the Constitution and the law, it seems to me the Supreme Court at that point was not an activist court, it was not an overreaching court; it was a court founded on law, and they went back and read the plain language of the Constitution, and they said this process of denying one person the right to attend a school simply because of the color of their skin violated our Constitution. I think that was a plain ruling, a fair ruling, and a good ruling.

I know we are about to take up the defense bill in a few minutes, but I would say this: Things have changed in many different ways. My two daughters grew up in Mobile, AL, not too far from Murphy High School. Murphy is one of the oldest, largest schools in Mobile. The Mobile County school system is a very large system. I believe they have 60,000 students. It is a great historic school. Fifty years ago, it was an all-white school. There were all-African-American schools in the community. They have, as a result of Brown, integrated the school system. My daughters went to that school, and the racial mix was almost exactly 50–50. They enjoyed their time at Murphy High School. It is an excellent high school. In fact, I remember Secretary Bill Bennett, when he was Secretary of Education, came down and gave them a blue-ribbon, topflight national school award for the excellence in education there. They loved that school. They had friends who were White, friends who were African American, friends who were Asian, and friends who were from India. They were all in that school system. They benefited from that experience and did well as a result of it.

I believe the decision was beneficial legally. I believe the decision was beneficial for the children. It made a statement, with crystal clarity, that people could not be denied the right to public activities simply because of the color of their skin.

That is an important principle in this country. We were very slow to recognize it. The South was openly segregated in so many different ways, and this decision broke it down. It took many years before the decision would be fully implemented, but it has been implemented, and much good has come from it.

President Bush has said in his philosophy of education that we must not let children fall behind. He has used the phrase ''the soft bigotry of low expectations.'' What he means is, if our children are going to a public school that is doing pretty well, and they are doing fine, and minority students are going to a school that is not doing so well, we should not have the attitude, well, we are not too concerned about that.

In fact, more dangerous than that is a philosophy that we have low expectations, and we are not going to demand the same quality in all school systems in America. That is not acceptable. Our children can learn. All children of all races can learn. We need to challenge all students to be their very best. We cannot allow children to fall behind. We need to identify children who are falling behind early.

If you love children, if you care about the poor, if you care about minority students, and you want them to succeed, you will find out how they are doing. That is why the President said we want to test. The Government plan of No Child Left Behind is not to test to punish or to put down a child; it is to find out how they are doing in school. If they are falling behind, we need to intervene promptly and quickly to lift them up so they can reach their fullest potential.

Secretary Rod Paige, our Secretary of Education today, is an experienced educator who was the dean of a school and was the superintendent of the huge school system in Houston, TX—he has said by the time children get to the ninth grade, if they are not up to speed, if they are substantially behind in reading and math and cannot compete, that is when they drop out.

So the President's legislation—what we worked on—is designed to find out much earlier if children are falling behind, to give them that intensive support and extra resources necessary to have them catch up so they will no longer be behind, so when they get to the 8th grade, the 9th grade, or the 10th grade, they will be able to function and do high school work and go on and

complete their degree and be successful in the world rather than becoming frustrated or becoming a discipline problem, and maybe even dropping out of school because they know they are so far behind they cannot keep up.

That is what we focused on when we crafted the No Child Left Behind Act. That is ultimately one of the keys to American movement in this new century; and that is, are our children reaching their highest possible level of achievement. The more children who achieve their highest and greatest potential, the greater the benefit will be for our country.

I see my time is up. We are about ready to go to the defense bill. I again express my appreciation to Senator ALEXANDER for his insights and commitment to education. There is much we can do to make our system better.

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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities in the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Mr. WARNER. Mr. President, in connection with the work on this bill, which is scheduled for this week, Senator LEVIN and I ask unanimous consent that the staff members of the committee on the Armed Services, those names appearing on the list which is attached to this request, be extended the privilege of the floor during consideration of S. 2400, the National Defense Authorization Act for fiscal year 2005.

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

The list is as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, Michael N. Berger, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, L. David Cherington, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Kenneth M. Crosswait, Marie Fabrizio Dickinson, Regina A. Dubey, and Gabriella Eisen.

Evelyn N. Farkas, Richard W. Fieldhouse, Andrew W. Florell, Brian R. Green, Creighton Greene, William C. Greenwalt, Jeremy L. Hekhuis, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Maren R. Leed, Gerald J. Leeling, and Peter K. Levine.

Thomas L. MacKenzie, Sara R. Mareno, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, Lucian L. Niemeyer, Cindy Pearson, Paula J. Philbin, Lynn F. Rusten, Arun A. Seraphin, Joseph T. Sixeas, Scott W. Stucky, Diana G. Tabler, Richard F. Walsh, Bridget E. Ward, Nicholas W. West, and Pendred K. Wilson.

Mr. WARNER. Mr. President, it is my privilege to again address the Senate on this bill, which I commend the Committee on the Armed Services for marking up in a record period of time. I first wish to thank my distinguished colleague, these now 26 years working together, the senior Senator from Michigan, Mr. LEVIN, and his staff who worked very diligently, such that the two of us together, with the tremendous support of each and every member of the Armed Services Committee, were able to proceed through the year with our series of hearings and to do a very thorough and expeditious markup.

So we bring to the floor the National Defense Authorization Act for fiscal year 2005 for the Senate's consideration. This bill was unanimously reported out of committee on May 6. I believe it is a testament to the strong support of our men and women in uniform by the Senate if adopted.

As we begin debate on this bill today, over 300,000 soldiers, sailors, airmen, and marines, Active and Reserve, and countless civilians are serving bravely around the world, including the Persian Gulf region, Iraq, and Afghanistan, in the cause of freedom. All Americans are proud of what the U.S. Armed Forces and their coalition partners have accomplished thus far in Iraq and in the global war on terrorism. We are ever mindful that the defense of our homeland begins on the distant battlefields of the world.

As we begin this debate, we must pause to remember that military success is not achieved without significant sacrifice. We, the members of the committee—indeed, all Members of the Senate—extend our sympathies to the families and the loved ones of those who sacrificed their lives or were injured in operations to make America and the world safer. We will forever honor their service.

The military successes in Operation Enduring Freedom and Operation Iraqi Freedom are a testament to the dedication and professionalism of the U.S. Armed Forces and to the support and sacrifice of their families. It is also a tribute to American technology and ingenuity. The U.S. military is the most capable military force in the world today, a model of excellence, and the standard by which others are to be measured.

As I have said repeatedly over the past few weeks, the horrific evidence of abuse of Iraqi prisoners perpetrated by a small number—and I repeat, thus far to the comparison of the totality of our Armed Forces, a very small number of our Armed Forces—together with a number of civilian contractors, is an aberration, a total departure from the high standards and the professionalism that we have in our U.S. military. That series of incidents must never be permitted to happen again.

I am very proud of what the Committee on the Armed Services has done thus far by way of its oversight responsibilities of this tragic situation, and we will continue, in consultation with my distinguished ranking member and all the members of the committee, to pursue the facts.

These incidents are counter to every human value that every American has been taught. It is counter to what this country stands for, and it is counter to what the U.S. Armed Forces are fighting to protect. These acts of a few in some respect diminish us all. Nonetheless, we must not permit these acts to tarnish the honor of the many dedicated men and women in the Armed Forces, the 99.99 percent who are vigilantly upholding the values for which this country stands, and who are doing a great mission, wherever it is in the world, often at high personal risk.

With Senate passage of the bill before us, we have the opportunity to send a strong message of support to our men and women in uniform. The bill contains much deserved pay raises and benefits for our military personnel and their families, much needed increases in family housing, and quality-of-life projects on military installations, as well as prudent investments in the equipment and technology our military needs to address future threats. I urge my colleagues to debate this bill in a constructive spirit and to support its rapid adoption.

The President's budget for defense for fiscal year 2005 continues a momentum of recent years in providing real increases in defense spending to combat terrorism and secure the homeland, to enhance the quality of life of our military personnel and their families, and to modernize and transform the U.S. Armed Forces to meet current and future threats.

The bill before us provides $422.2 billion for the Department of Defense and the defense programs of the Department of Energy, an increase of $20.9 billion, or 3.4 percent in real terms, over the amount authorized in fiscal year 2004.

This bill reflects six priorities we established to guide our work on the National Defense Authorization Act for fiscal year 2005.

First, our committee wanted to provide our men and women in uniform with the resources, training, and technology and equipment they need.

Second, enhance stability of the Department of Defense to fulfill its homeland defense responsibilities.

Third, continue to improve the quality of life for the men and women of the Armed Forces—Active, Reserve, Guard, and Retired—and their families.

May I say at this point, having had many an association with the Armed Forces—and I use that term collectively to include the Guard and Reserve—they have performed magnificently, the Guard and Reserve, and

have earned the respect of the regular forces who look upon them now as coequal partners.

Fourth, sustain the readiness of our Armed Forces to conduct a full spectrum of military operations against current and anticipated threats.

Fifth, support efforts to develop the innovative capabilities necessary to modernize and transform the Armed Forces.

And sixth, continue active oversight of Department programs and operations, particularly in the areas of acquisition reform and contract management, to ensure proper stewardship of the taxpayers' hard-earned dollars.

The committee's first priority was to provide the Department of Defense with the resources it needs to combat terrorism and win the war on global terrorism. This bill authorizes a temporary increase in the active-duty end strength of the Army of up to 30,000 soldiers from the 2005 through 2009 fiscal years. This authorization is consistent with the manpower plans of the Army.

In addition, the bill authorizes an increase of almost $1.2 billion over the budget request for programs to help our troops in the field. Funding highlights include, for the Army: $1.2 billion for helicopters to support Army aviation and modernization, in order to get needed airlift and attack helicopters to troops in the field; $272.2 million for aircraft survivability equipment to ensure all aircraft used in combat operations have the best possible protection; $905 million to continue procuring the Stryker armored vehicles that are already proving valuable in military operations in Iraq; and almost $1.1 billion for up-armored HMMWVs, including an increase of $925 million to accelerate procurement of up-armored HMMWVs, as well as add-on ballistic armor for medium and heavy trucks, to protect our troops on patrol in hostile environments.

To improve the ability of special operations forces, a major component of the war on terror, the bill authorizes an increase of $65.4 million above the President's budget request to accelerate the availability of important new capabilities.

For naval forces, the bill authorizes an increase of $150 million to accelerate fielding of an amphibious assault ship that will greatly improve the mobility and lethality of the U.S. Marine Corps operations, increases the amount requested for amphibious assault vehicles by $23.2 million, and it adds almost $50 million for personal protection equipment for the Army, Navy, Air Force, and Marines.

Overall, the bill adds over $600 million for force protection gear and combat clothing, such as improved body armor, to meet urgent requirements of the Armed Forces. The committee fully supports the budget request of $2.9 billion for C–17 new aircraft, to add to the existing fleet which is performing magnificently all over the world. This will improve the global mobility of our U.S. forces.

To enhance the Department's homeland defense capabilities, the bill fully supports the President's budget request of $8 billion and authorizes an additional $46.9 million for seven additional weapons of mass destruction civil support teams. With this increase, the committee has reached the goal of funding 55 teams which will support local and regional first responders in every State and territory of the United States. May I add, our committee has had a long history of strong support for this program and increases the budget amounts each of the fiscal years to make certain that all 50 States are given this capability.

In addition, the committee has added an additional $33.9 million for innovative technologies to combat terrorism and defeat emerging asymmetric threats, and $26.5 million for the development of chemical and biological agent detection and protection technologies. To protect America from ballistic missile threats, the bill authorizes $10.2 billion for missile defense.

This bill continues our commitment to improve the quality of life of our men and women in uniform, and their families, by authorizing a 3.5-percent across-the-board pay raise for all uniformed service personnel, as well as increases in housing allowances that will eliminate average out-of-pocket expenses for off-base housing for service members. The bill authorizes a permanent increase in the monthly family separation allowance from $100 per month to $250 per month, and a permanent increase, from $150 a month to $225 a month, for special pay for duty subject to hostile fires or imminent danger. The bill also supports the initiatives taken by the Department to increase the pay of troops whose tours of duty have been extended for more than 12 months in the Iraq theater.

In a significant health care initiative for members of the Reserves and National Guard, this bill authorizes permanent increases in coverage before and after mobilization, and a new health care option which would make TRICARE coverage available to all members of the Select Reserve and their families, in an affordable way. I urge my colleagues to support this innovative approach to enhancing health care benefits for members of the Reserve and National Guard and their families.

The administration requested $9.4 billion for military construction and family housing. The bill before the Senate includes an overall increase of $342.4 million in military construction, including increases of more than $100 million in critical unfunded projects identified by the military services, and an additional $172 million to fund improvements to the facilities supporting our National Guard and Reserve Forces.

Over the past several years, the Armed Services Committee has worked with the Department of Defense to ensure that necessary modernization, transformation, and long-range research are maintained, even in times of high operational tempo.

This bill continues support for these transformational activities, for example, by authorizing $131.1 million for tactical UAVs that have proven so valuable in recent military operations, an increase to $30.6 million above the budget request; and more than $11 billion for cutting-edge science and technology programs, an increase of $445 million above the budget request. These increases are in the critical areas of force protection equipment and devices, counterterrorism technologies, information assurance unmanned systems, and training innovations for the future defense force.

With our Armed Forces deployed on distant battlefields and countless others standing watch at home, we are committed to providing the resources needed for the men and women of the Armed Forces, and their families. The Congress's past support for increased defense spending has proven to be a wise investment. There is no greater evidence than the successes witnessed on the battlefields, where the courage of our men and women are displayed in Afghanistan and Iraq, and elsewhere in the world.

This National Defense Authorization Act for the year 2005 builds on the advances made in recent years. I urge my colleagues to join me and send a strong message of bipartisan support for our troops at home and abroad. We honor your service. We stand with you now and we will stand with you always in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join with our chairman of the Senate Armed Services Committee, Mr. WARNER, in bringing S. 2400, the National Defense Authorization Act for fiscal year 2005 to the Senate floor. This bill is the product of 45 hearings, 3 days of markup, and countless hours of hard work by the members and the staff of the Armed Services Committee.

Throughout this process, Senator WARNER has led the committee with his usual fairness and graciousness. There was a unanimous vote of our members in support of this bill, which is a tribute to the able leadership of my dear friend and the balanced approach which Senator WARNER takes always in matters under consideration by our committee. He chairs this committee in the finest tradition of the Senate Armed Services Committee, and I commend him for it. I wish every Senator could see him in action as he chairs our committee.

Senator WARNER has balanced the committee's legislative and oversight responsibilities over the last several weeks so there has been an additional challenge that Senator WARNER has had to face as we have worked to report out this bill while at the same

time beginning vital oversight over the abuses of Iraqi detainees at Abu Ghraib prison. Without delaying the markup schedule, Senator WARNER promptly scheduled a series of briefings and hearings on the prison abuse issue, with more to come. That means more work for all of us, for our staff, but it was the right and the necessary thing to do.

Senator WARNER has an equal determination, which I join, to have a comprehensive and prompt, hopefully, series of hearings into all aspects of this issue.

The bill reported by the Senate Armed Services Committee will promote the national defense, improve the quality of life of our men and women in uniform, and make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For instance, the bill authorizes a 3.5-percent increase across the board for military personnel in terms of their pay, and it authorizes a permanent increase in the rate of special pay for duties subject to hostile fire and imminent danger. We authorize a permanent increase in the rate of family separation allowance.

The bill authorizes a new benefit option under TRICARE which makes available for the first time an opportunity for all members of the selected Reserve and their families to participate in TRICARE. The bill authorizes an increase of $400 million over the President's budget request for enhanced health benefits for reservists.

Second, the bill would make key investments that are needed to help address the challenges our military faces today and will continue to face in the future. I am particularly pleased that the bill would add $900 million to the President's budget to fund additional up-armored Humvees and add-on ballistic protection to provide force protection for our soldiers in Iraq and Afghanistan. The bill adds $600 million to the President's budget for additional force protection gear and combat clothing for service members. Our bill adds $450 million to the President's budget for advanced research that will help enhance force protection, combat terrorism, and counter the threat of proliferation of weapons of mass destruction. The bill adds $47 million to the President's budget to field an additional seven weapons of mass destruction civil support teams, which fulfills a requirement established in last year's bill.

Third, our bill contains a number of important provisions designed to improve the efficiency and the transparency of the operation of the Department of Defense. For instance, the bill would direct the Secretary of Defense to develop comprehensive DOD policy and procedures for the prevention of and response to incidents of sexual assault involving military members. The bill requires the Secretary to take specific steps to improve the management and oversight of contractors performing security, intelligence, law enforcement, and criminal justice functions in Iraq and other areas where U.S. forces are engaged in military operations. The bill establishes a commission on the National Guard and Reserve which will study the roles and missions of the Reserve components, and the bill strengthens the framework for oversight for addressing the Department's continuing financial management problems.

Finally, the bill before us appropriately does not include two particularly troublesome legislative proposals. It does not include a provision that would delay or water down the base closure process. The committee continues to support the senior military and civilian leadership of the Department of Defense in concluding that another round of base closures is critical to meeting our future national security needs, and the bill does not include proposals advanced by the administration that would exempt certain military activities from key environmental requirements, including the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund law.

There are, of course, provisions in this bill on which there are disagreements, as we would expect. I would like to mention a few areas in which I have serious concerns. I am disappointed that the bill, like the President's initial budget submission, fails to provide the money that we all know will be needed to support our day-to-day military operations in Iraq and Afghanistan. From the beginning of this year, the administration insisted that because we do not yet know the exact cost of our operations in Iraq and Afghanistan next year, that it would be premature to include any cost for those operations in the budget. The exact costs of a military operation, or even the normal operations of the Department of Defense, for that matter, are never known. That is not an adequate reason for not submitting a budget, and it is an inadequate reason for failing to include in that budget costs that we believe can be reasonably estimated and that we believe will be incurred in the next fiscal year.

If Congress does not act to provide substantial funding for ongoing military operations this year, there is a significant risk that the military services will find themselves in serious financial difficulty earlier next year. The Pentagon has some flexibility to move funds to pay for ongoing operations, but shifting funds away from other priorities can only take the military so far. That is why the Senate Budget Committee included $30 billion for ongoing military operations in the Senate budget resolution earlier this year, and that is why the administration finally has acknowledged the problem, a week and a half ago, and agreed to submit a proposal for a $25 billion budget amendment. This money is needed to support our troops in the field, and they deserve more than just an IOU.

I commend our chairman for holding a hearing in this matter. I think it was a very useful hearing. There was almost a consensus in our committee, or close to it, that there should be an amendment which would be offered, hopefully on this bill, which would provide the funds that are necessary for our troops for the operations we know will be taking place next year but to do it in a responsible manner where the Congress carries out its role of being a check and a balance on the executive branch and not just issuing a blank check. The chairman's initiative in holding this hearing and having the witnesses there who were called I believe will lead to the proper resolution of this matter—hopefully in an amendment that everybody can support.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. LEVIN. I am happy to.

Mr. WARNER. I thank him for his full cooperation. We are now studying a draft by which the two of us would put forward to the committee a suggested amendment on this full amount of $25 billion.

Mr. LEVIN. I thank the chairman. We are indeed doing that.

Another thing the bill does that it should not do, in my judgment, is to provide more than $10 billion for missile defense, including more than a half billion dollars for additional interceptors, without imposing basic ''fly before you buy'' requirements on the program.

In the course of the markup, an amendment was offered that would have required the missile defense program to comply with the same operational testing requirements that are applicable to other acquisition programs of the Department of Defense. It was defeated. Another amendment was offered that would have cut the funding for the production of additional interceptors or to fence that funding, restrict that funding until operational testing and evaluation of these interceptors is completed. That amendment was also defeated, as was the first, on a closely divided vote.

It is unfortunate that the administration is so insistent on deploying a missile defense system as soon as possible that it is unwilling to comply with even the most basic operational test and evaluation requirements. If we want a missile defense that works rather than one that sits on the ground and soaks up money, we should not shy away from realistic testing requirements. The law and common sense require realistic testing requirements. Right now, they are not going to be followed.

Another problem: The bill contains full funding of $27 million for the robust nuclear earth penetrator and the

advanced nuclear weapons concept initiative, an increase of over $7.5 million authorized for these programs last year. The administration's budget for the outyear reflects a commitment to developing an earth penetrator, which is likely to cost on the order of $1 billion to produce and deploy. The bill also includes $9 million—a 50-percent increase over fiscal year 2004—for the advanced nuclear weapons concepts initiative to look at new options for nuclear weapons.

By pursuing this earth penetrator and the new nuclear weapons concepts, the administration continues to send the wrong message about weapons proliferation. At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development—we oppose North Korea's pulling out of the nuclear nonproliferation treaty, and we are spending over $1 billion to prevent the spread of nuclear weapons material and technology—these actions that are proposed by the administration send a terrible message.

We are telling others not to go down the road to more and more nuclear weapons. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road. In short, the United States is following a policy we would not tolerate and do not accept in others.

I hope the Senate will reverse the administration's proposals as leaving us and the world less secure and more likely to face the proliferation of nuclear weapons, and the proliferation of those weapons is the greatest threat we face.

Finally, the bill contains two troubling provisions that would erode more than 30 years of congressional policy relative to high-level radioactive waste. These provisions were adopted on closely divided votes. One provision provides that the Department of Energy will have virtually unchecked discretion to reclassify or decree that high-level radioactive waste in South Carolina is not high-level radioactive waste. This ability to reclassify the waste opens the door to the Department of Energy to leave high-level radioactive waste in the ground in South Carolina and could lead to the same result in other States. That is because the second provision I referred to would require the States of Idaho and Washington to acquiesce in the Department of Energy's desire to reclassify high-level radioactive waste as they want to do in South Carolina before Idaho and Washington could continue to receive money to pump liquid high-level radioactive waste out of the tanks that are present in those States.

Taken together, these two provisions begin to undo years of effort to make sure high-level radioactive waste will be disposed of safely to protect the public and the environment. It is disingenuous to pretend that high-level radioactive waste is anything other than high-level radioactive waste. The cavalier treatment of high-level radioactive waste could pose a very real risk environment to the health of our citizens down the line.

As we begin consideration of this bill, the men and women of our Armed Forces—both Active and Reserve—remain deployed in harm's way in many areas of the globe and are being subjected to almost daily arms attacks in Iraq and Afghanistan. We join together—every Member of this body—in standing behind our troops and expressing pride in their extraordinary accomplishments on the battlefield. This bill will help provide them with the equipment they need and the compensation and benefits they deserve.

Let me again conclude by thanking Senator WARNER for the leadership he has shown in bringing this bill to the floor, and I know we look forward to receiving amendments and considering amendments on this bill as the week progresses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we welcome other Senators coming to the floor and discussing this bill. The bill is now open for amendment. We anticipate the senior Senator from Texas will come forward shortly with a very important amendment which is subject to leadership concurrence and which could be the subject of the vote that is now, according to leadership, scheduled for around 5:30. Senator HUTCHISON will probably be on the floor shortly after 4 o'clock to discuss that.

As we commence the floor debate this afternoon, I think we are obligated to bring to the attention of the American public who haven't already heard it the disturbing news about a threat posed to our forces in the Iraqi region. Indeed, it could be elsewhere in the world but for the moment in this particular region; that is, the use of a weapon which would fall within the definition of a weapon of mass destruction and used in Iraq on Saturday.

News reports from Baghdad, confirmed by the Iraqi Survey Group—as you know, that is a group which was specifically tasked by the Secretary of Defense and specifically budgeted by the Congress of the United States to work on weapons of mass destruction issues. The report today, confirmed by the Iraqi Survey Group, indicated that on Saturday a roadside bomb was implanted on the road by terrorists who obviously attempted to use an artillery shell filled with deadly Sarin gas as an improvised explosive device. They are referred to as IEDs. This shell had no distinctive marks. Fortunately, the device only partially operated. There was an explosion, but fortunately only a small amount of the deadly nerve gas agent was produced by the explosion.

Two U.S. demolition experts were treated for exposure to Sarin, and the reports are they are, fortunately, recovering.

It is important to note, however, that this was an Iraqi military round. In other words, it was apparently identified clearly as one made some years before or sometime before our invasion. Its origin is unclear. What is clear is it was part of the Iraqi military arsenal that was not declared as required by the United Nations inspectors and that regime when they were operating in that region.

We all know Saddam Hussein's regime had chemical weapons in the early 1990s. We also know his regime continued the aggressive development activities on chemical and biological weapons. David Kay confirmed that as he reported to the Congress. Under the terms of the 1991 gulf war cease-fire, some chemical weapons were destroyed but tons of chemical and biological agents remain unaccounted for as to whether they were destroyed or are still in existence. Apparently, Iraq did have undeclared weapons as well.

The discovery of this weapon is troubling and begs the question: How many more chemical weapons—weapons of potential mass destruction—are in Iraq and could fall into the hands of terrorists and other antagonists to the coalition forces named to bring freedom to the people of Iraq? Where are these various caches of weapons hidden? The question must be answered. It is the reason the important work of the Iraq Survey Group must go on.

It has certainly been my opinion throughout that weapons of mass destruction materials and technology is the greatest threat to our Nation, and indeed all nations in the free world today. But materials or technology in the hands of terrorists could bring unimaginable destruction.

Winning the global war on terrorism depends on stopping this proliferation. We have taken an important step forward in Afghanistan and an important step forward in Iraq.

I hope that rapid passage of this bill will send a strong message because it reinforces our efforts worldwide to interdict weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me say that the remarks of the distinguished chairman of the Armed Services Committee, the senior Senator from Virginia, are indeed disturbing because it would be the first evidence in this conflict that the chemical weapons Saddam Hussein once had and which we had no evidence of destruction might now be surfacing and might be used against our troops. It is, as he said, important that we continue to pursue this. We hope it is a single event rather than something that will repeat itself. But in any event, it brings home the seriousness of the proposition.

I commend him for not only bringing it to our attention today but also for the work he and the committee have put into bringing this Defense authorization bill to the floor.

It is a difficult time. We are not only focusing on the multiyear transition of our force structure but also the bringing of new technology to our military in an evolutionary way at the same time we are trying to provide the resources necessary to fight the war in Iraq and Afghanistan and other resources for the war on terror and building up our intelligence capabilities through the Defense Intelligence Organization and others.

This is a very complicated and difficult time in defense planning. The bill the committee has put together is a very well-structured and a very forward-leaning bill, as well as a bill that takes care of the troops who are being put in harm's way today. I commend the chairman and members of the committee for the fine product they have put before us.

I will speak today primarily about one aspect. It is not the war on terror but rather the way in which at least an element of high technology is being integrated into our forces to meet a different kind of challenge. It illustrates the fact that at the same time we are fighting this war on terror and the action in Iraq, we also have to think about the other challenges we are going to be facing in the future and be prepared to deal with them at that time.

It is unfortunate but true that the sophisticated weapon systems that are available to our troops today were on the drawing boards maybe 20 years ago and did not go into production until a few years ago because of all of the work that has to go into their development and their testing and their ultimate deployment. We do not have the ability to simply snap our fingers when we need a new weapons system and bring it online immediately. It takes years of work to get it to that point.

A good example is, and a system we had to rely on to some extent in the first gulf war, in the area of missile defense. Missile defense has been with us ever since the pronouncement of President Reagan in his great announcement in the early 1980s that with the advent of ballistic missiles, a genie that would never be put back into the bottle, we were going to have to develop effective defenses against them or they would be the weapon of choice in the future for the delivery of high explosive but potentially nuclear weaponry, as well as chemical or biological weaponry. As a result, President Reagan embarked upon a scientific venture to find a way to intercept missiles. There was a great deal of research that went into this. Frankly, we came close during the end of the Reagan administration and first part of the first Bush administration of actually being able to deploy missile defenses.

But one of the arguments opponents always made was more testing was necessary and we should not actually go to the deployment of the system until we could better prove it could defeat any conceivable threat. At the time, the potential enemy was the Soviet Union. The Soviet Union did, indeed, have a sophisticated intercontinental ballistic missile system, one that required us not only to defeat a rudimentary kind of missile but one that might have decoys, that might have other kinds of penetration aids, ways defensively to throw our interceptor missiles off course.

So there was always a game being played between perfection being the enemy of the good versus actually getting something deployed that would take care of most of the threat. At the end of the day, there was not sufficient support in the Congress to actually deploy a system, as a result of which a great deal of time and money was spent on ballistic missiles but nothing was ever produced.

Along came the Clinton administration. The Clinton administration also understood that especially with the rise of the threat from North Korea, Iran, and China, as well as the leftover threat from the Soviet Union, but in a much more benign setting now that Russia was emerging as the power out of the ashes of the Soviet Union, there was still going to be a need to deploy some kind of system. As a result, the Clinton administration decided upon a ground-based system of 100 interceptors primarily potentially at a site partially, at least, in Alaska that would be our basic way of beginning to deal with ballistic missile threat.

Even the Clinton administration understood this was not the be-all and end-all. This would not necessarily be the end of the development of ballistic missile interceptors because as the offense became more sophisticated, so, too, the defense would have to become more sophisticated. But it was a way to begin the deployment and deal with the threat from a rogue nation, a nation like North Korea or Iran, for example, which would not have the sophisticated penetration aids of a nation like the Soviet Union.

The question then came when the second Bush administration came to power, would it be possible for us to move away from the constraints of the ballistic missile treaty, the ABM treaty, to actually think about deploying more sophisticated and capable systems that were not permitted under the ABM treaty. It was agreed with the Russians that a new treaty would replace the ABM treaty, a treaty which would permit both countries to get rid of most of their offensive weapons, their nuclear weaponry, and much of this was to be delivered on top of ballistic missiles, as a result of which the means for delivery of those nuclear weapons would be eliminated as well as the nuclear weaponry itself.

That decision was made and an agreement was entered into between the United States and Russia, and as a result, the United States began to think about a more creative way to actually deploy a rudimentary missile defense system. By then, the threat from Russia had eroded and we saw primarily the threat from the so-called axis-of-evil countries as the one we were going to have to deal with.

The decision was made, since we wanted to put something into place quickly, that what we would do is combine the initial deployment of the system with continued testing so we would actually have a test bed available to us to provide the real conditions for a real test; have a real missile defense system in place to actually do the testing that would be the most sophisticated and end part of the testing program.

We went through a series of tests that were highly scripted, that told us what we needed to know about the component parts of the system, and it was time to put it in operational mode to test it in that mode.

GEN Ron Kadish, the general in charge of the Ballistic Missile Defense Organization, put it very interestingly:

> The criticism we get is that we are not operationally testing the system before we put it in place. My response to that, which people don't seem to want to accept, is you can't operational test the system until you put it in place.

Of course, General Kadish is exactly right. You can only do so much hypothetical testing. There is a point at which you need to put it in place so you can go forward with the operational testing. This was the concept the Bush administration decided to pursue.

It is strange that very concept now is being criticized and presumably will be the subject of amendments that will be offered in the Senate to take away from funding for the ballistic missile defense system. It will generally contend that more testing is required; that in effect we need to test this until we are absolutely certain it can do everything it needs against every potential adversary without question, by which time many years will have passed, much more money will have been spent, and we still will not have anything to show.

It might be interesting to note that during the first gulf war we were actually exposed to the rationale for proceeding as we are proceeding with the missile defense system. At that time, Saddam Hussein launched Scud missiles at Saudi Arabia, at Kuwait, at the U.S. forces there, at the country of Israel, and there was no missile defense system in place at that time. The Israelis did not have the Arrow missile which they now have and which we hope will provide an effective missile defense system against something like the Scud missile for the state of Israel. What we had was an anti-aircraft missile called the Patriot. It was a very capable system. But we needed something to defend against the Scuds.

Very hurriedly we sent to the theater batteries of Patriot missiles. Literally, on the way, as they were being prepared for transit and in transit and as

they were being set up, we were adjusting the computer components, the radar connections and tracking systems and the like, to try to make these Patriot systems more robust, more capable, faster acting, more discerning, so they might actually hit a ballistic missile rather than an airplane, which is what they were designed to be against in the first instance.

Lo and behold, it turned out through the ingenuity of people literally on the ground, the Patriot missile system was made to be somewhat effective against some of these Scud missiles. Certainly not as effective as a finely developed missile defense system would have been, but the point was we made do with what we had because we did not have a choice. We were in the middle of a conflict and we had to come up with some way to defend our troops and defend our friends.

Lest my colleagues forget, remember, the single largest number of casualties in the first gulf war against Americans, 28 were killed when a Scud missile hit an Air Force base with American airmen and others present. It demonstrates you cannot wait until you have the perfect

system. When you are in a conflict with people and they are working as fast as they can, it helps to have something ready to go even if it is not perfect.

That was the reasoning behind the Bush administration's decision to move forward with the development of the system and not wait until every conceivable aspect of testing could be done, but to actually get it up to the point where it could be deployed for operational testing, and at that point we would be able to literally kill two birds with one stone.

We would not only have an operational test bed capable of continuing to perform the tests necessary, but we would also have an operational capability of some robustness, probably not enough to defeat a Russian missile, should one be launched by accident, for example, but certainly one that might be sufficient to take out a North Korean missile.

The thinking was that not only would you serve these two purposes, but you would also serve another very important purpose; and that was to discourage the countries that were beginning to proliferate weapons of mass destruction, and the missiles to deliver them, from developing these missile systems because of the notion that whatever they did, however much effort and time and money they put into it, we would have a way of defeating it, so it would not be worth their while—in effect, a deterrent, to say: The United States will not permit you to have an effective missile against us, so do not bother to try to develop and deploy it.

We believe that could be important because of some things I will say in a moment relating to the exchange of information between countries such as China and Pakistan and North Korea and Iran and other countries that began to proliferate components and technology for the trading of these missiles. So the threat would not be just from one country but would be from several countries. We have to nip this in the bud, and developing a good missile defense would be one way to do that.

So from the original notion, which, as I said, was to have 20 missiles in combination between a site in California and a site in Alaska, to the development of another 10, which would be put in Alaska, and then another 10, following that, at a site to be determined—and this is the so-called missiles numbered 31 through 40. These are not yet funded. They are part of a long leadtime funding that is the subject of this bill and which might be the subject of an amendment.

Let me go back and put all this into perspective. The Defense bill itself is just a little over $10 billion for ballistic missile defense research and development. It is key to the development and deployment of this capability about which I have been speaking. The threat from ballistic missiles is not waning; it is growing.

Today there are nearly three dozen countries, according to our intelligence, that have or are developing ballistic missiles of increasing range and sophistication. It includes the two remaining ''access of evil'' members, Iran and North Korea, as well as their fellow terrorist regime Syria.

Some of the latest developments, which unless indicated otherwise, are all taken from the DCI's most recent semiannual ''Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Conventional Munitions,'' are as follows:

First, North Korea: It continues its development of long-range missiles. Its Taepo Dong 2 missile, which is capable of reaching the United States with a nuclear weapon-sized payload, may now be ready for flight testing. So this is not a hypothetical threat.

The Channel NewsAsia reported earlier this month that Pyongyang is nearing formal deployment of the Taepo Dong 2 and is now gearing up to test engines for the missile.

Recent press accounts have also raised the possibility that North Korea is working on new intermediate-range ballistic missiles. According to a May 6 Los Angeles Times article, the South Korean press has reported that two new missile bases are under construction in North Korea. These bases would reportedly be used for a new missile capable of reaching U.S. bases in Guam and possibly Hawaii.

North Korea not only presents a problem because of its own capabilities but also because of its proliferation of ballistic missiles and related technologies to potential adversaries of the United States.

According to the DCI report:

> Throughout the first half of 2003, North Korea continued to export significant ballistic missile-related equipment, components, materials and technical expertise to the Middle East, South Asia, and North Africa.

Recent press reports indicate that Kim Jong Il has been negotiating with the Iranian regime on the sale of the long-range Taepo Dong 2.

Iran: The DCI report says:

> Ballistic missile-related cooperation from entities in the former Soviet Union, North Korea, and China over the years has helped Iran move toward its goal of becoming self-sufficient in the production of ballistic missiles.

Iran's ballistic missile inventory is among the largest in the Middle East.

Last June, Iran made some significant advances in its program, conducting a successful test of the 800-mile-range Shahab-3 missile. If operational, this weapon could alter the strategic balance in the Middle East, placing Israel and U.S. bases in Turkey within Iran's reach. Iran is also seeking to produce a 1,200-mile Shahab-4 missile.

According to CIA Director George Tenet's recent testimony to the Senate Intelligence Committee, Iran, as North Korea, has been willing to supply missile-related technology to countries of concern.

The PRC, the People's Republic of China: In addition to the threat posed by the development of ballistic missiles by terrorist-sponsored regimes that I have noted, we should not forget about the improving capabilities, as well as the WMD and ballistic missile proliferation, of the People's Republic of China.

The intelligence community's most recent report on foreign ballistic missile development assessed that China could begin deploying its 5,000-mile-range DF–31 missile during the first half of this decade. China's even longer range ballistic missile, the DF–41, could be deployed in the latter half of the decade. I remind my colleagues this is now 2004.

China also has approximately 500 shorter range missiles aimed at Taiwan.

According to an article in today's Washington Post, the Chinese Government warned Taiwan's President to pull back from ''a dangerous lurch toward independence''—their words—''or face''—and I am again quoting their word—''destruction.''

Given that warning, as well as numerous others like it, the United States should take very seriously not only the missile threat posed to Taiwan but also that posed to the United States.

Finally, despite relatively new missile-related export regulations, Chinese entities continued, during the first half of 2003, to work with Pakistan and Iran on ballistic missile projects. Additionally, during that same time, Chinese firms continued to provide materials or assistance to the ballistic missile programs in Iran and North Korea.

So you see a combination of countries willing to work with each other

toward the development of these missiles, all of which could be threatening to the United States and our interests.

So what will missile defense deployment accomplish? Well, as I said, both defense and deterrence.

Deployment of the layered missile defense system will permit the United States freedom of action by eliminating the possibility that we would be susceptible to nuclear blackmail by a country such as North Korea.

Missile defense will also reduce the incentives for proliferation by devaluing offensive missiles. If a rogue actor views missiles as less likely to be effective because of our defenses, he will also be less inclined to spend as much time or money trying to acquire them.

Finally, missile defenses, in a worst case scenario, will save Americans lives.

This is worth doing. I would like to quote again General Kadish, who made this point earlier this year. He said:

> We should not choose to be vulnerable. We have proven that from a technological standpoint and a practical standpoint we can intercept ballistic warheads in flight. And to say now that we can technologically defend ourselves and then choose not to is, in my view, a recipe for failure.

The first obligation we have as legislators, as opinion leaders, as leaders in this country, is to ensure the defense of the United States of America and American citizens. We have to do that with the development of ballistic missile defenses because it is the one threat that exists against us which we do not yet have a capability of defeating. But we are on the verge of deploying that capability. We have to proceed with it and not retrench under the rubric of ''more testing is necessary.''

There are challenges. The ideological opposition to missile defense, unfortunately, still exists. Last year was the first year that the President's overall request for missile defense was met. In the previous years it had not been. In fiscal year 2003, ballistic missile defense research and development had been reduced by $80 million, and the year before that by $530 million.

In addition to that, restrictive language has been adopted by this body, creating a false choice between two alternatives, which I will speak to in a moment.

Last year's authorization for the fiscal year 2003 Defense authorization bill required the administration to decide whether $814 million would be spent on missile defense or terrorism. This was money that the administration had requested for its missile defense organization, and it was spent on that. But the President, in effect, was faced with a false choice. Which one, in effect, critics were asking, was more important? Of course, the bottom line is, they are both important. In the United States, we have the capability of doing both. Indeed, we have no choice but to do both. In fact, we have no choice but to do several things in this defense budget. You cannot decide that one is more important than the other and, therefore, you have to forego spending on one for the benefit of the other, if you have the capability of funding them all. So missile defense versus the war on terror would, indeed, be a false choice.

It is clear that we have needs in Iraq and Afghanistan and the war on terror, but we don't have the luxury of confronting those needs while at the same time overlooking or ignoring the ballistic missile threat from a country such as North Korea or Iran. I ask my friends, who were so shocked that something like 9/11 could happen, what their response would be if one of those missiles were launched against the United States, if we had no defense against them landing on one of our cities. I would hope those who have been opposing the deployment of missile defenses would acknowledge responsibility in that environment.

Let me respond to one potential amendment that might come up and then conclude my remarks. I have talked about the fact that there may be an effort to cut money from the Missile Defense Program to fund some other program such as armor for Humvees or vests for our soldiers or something of that sort. All of these things are being fielded as quickly as we can field them, as my colleagues well appreciate. In other words, diverting money now from missile defense to more body armor or armor for Humvees won't speed up 1 minute the deployment of that particular defensive equipment in Iraq.

For whatever reasons, there will be an effort to take money from the ballistic missile program and apply to it those kinds of programs, I suppose, because they would presumably have a great deal of public support. I reiterate, those programs are totally funded today and are being provided, and we do not need to take money from the ballistic missile defense program as part of this Defense authorization bill.

The funding that is provided in the bill will allow the construction and implementation of the ballistic missile defense test bed that will be used to conduct more realistic system-wide tests at the same time that it provides a near-concurrent initial operational capability in case of an attack. As I said, it is consistent with President Clinton's proposal for national missile defense that planned to deploy 100 ground-based interceptors. This will provide for the addition to the initial 20 interceptors at Fort Greely and Vandenberg Air Force Base, of 20 additional ground-based interceptors at Fort Greely, at sea, and perhaps even at some overseas location to be determined.

The budget request specifically in the chairman's bill makes a downpayment on the ground-based interceptors Nos. 21 through 40. It is the long lead funding to provide: No. 1, additional test articles necessary to conduct planned future integrated flight tests—and I pause here to say, for those critics who say we need more testing, this is the money for the testing; so if you vote to cut this money, you are actually cutting the money for more testing; No. 2, an expanded interceptor inventory to address estimated growth in foreign ballistic missile threats; No. 3, maintain steady industrial base production lines for the interceptors and kill vehicles in the event an expanded inventory is deemed necessary; and, No. 4, ground-site preparation activities for interceptors Nos. 21 through 30.

Any cuts to the ground-based missile defense deployment that is contemplated will cripple effective deployment of the initial test bed system that itself will allow for more realistic testing.

So if you accept the notion of and assumption inherent in capabilities-based acquisition and spiral development, then criticisms about insufficient testing before initial deployment of this ballistic missile system are simply invalid.

I commend the chairman and the committee for their great work in bringing this bill to the floor and finally funding our missile defense system so that we can not only continue the testing that is so important, but also at the same time provide some initial capability should we need that capability.

I hope my colleagues will join together, support the chairman, support the committee, support the President in what he is trying to do, and not engage in a thousand cuts that could end up crippling this program yet once again, getting us to the point of deployment but no further than that point.

I urge my colleagues to support the chairman and the committee and defeat such amendments.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Arizona. He has been in the very forefront of these issues regarding missile defense for many years. He has spent much of his time, and he speaks of his knowledge. I assure him that our committee, in the course of its markup, stood steadfast on these issues. I am hopeful we can continue to do so in the event such amendments as the Senator from Arizona contemplated would be brought to the floor. We would hope that he would find time to engage with us in support of the mark as it now stands.

Earlier today the distinguished Senator from New Jersey advised the managers of the bill that he has an amendment. I also see the distinguished Senator from Maine. I would think as a matter of comity, we would hear from our distinguished colleague from New Jersey. It is my understanding that the managers of the bill will make a request that this matter be laid aside, after, in fact, he offers the amendment. The bill is open for amendment. The

parliamentary situation affords the Senator from New Jersey this opportunity, and we welcome amendments being brought up. We anticipate a second amendment to be brought forward this afternoon. So at some point, there will be a vote, but that is subject to the leadership. I also have just seen the amendment. We will need time on both sides to study it. I anticipate we will ask the Senator to lay it aside at the conclusion of his remarks. Then the distinguished Senator from Maine would be recognized next.

I yield the floor.

AMENDMENT NO. 3151

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the manager of the bill for his courtesy and understand that when my remarks are finished, a request will be made to lay the amendment aside. For now, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3151.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term ''person'' means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term ''United States person'' means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term ''is controlled'' means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

Mr. LAUTENBERG. Mr. President, I rise today to introduce an amendment that is vital to the purpose of this Defense authorization bill. This bill supports our men and women who are on the front lines of the war on terrorism throughout the world. They are paying a terrific price. They are doing it bravely and courageously. We want to make sure there are no opportunities to circumvent rules that would permit any business to go on with terrorist countries.

My amendment focuses on a key component of the war on terror; that is, to deny terrorists funding and support. My amendment will close a loophole that allows U.S. companies to do business with terror-sponsoring nations such as Iran. Senators FEINSTEIN, CLINTON, CORZINE, and FEINGOLD are cosponsors of the amendment.

As my colleagues know—and we just heard from the Senator from Arizona about his concern with the behavior of some of the rogue nations, including Iran, who are planning terrible things in their public statements for the United States—American companies are supposed to be prohibited from doing business with Iran. But by creating shell companies as foreign subsidiaries, these companies are making a mockery of our sanctions laws and providing revenue for the financing of terrorist acts. It is wrong. It has to stop, and this amendment would do just that.

Immediately after the attacks of September 11, 2001, President Bush told the world, ''You are either with us or against us.'' Pretty clear. That same message should apply to people in our own country, including those in our corporate world.

We know many companies find tax loopholes or regulatory loopholes they exploit from time to time. But in this case, we found U.S. companies exploiting loopholes so they could do business with terrorists.

President Bush also said, ''Money is the lifeblood of terrorist operations.'' He is right.

If U.S. companies do business with rogue states like Iran, they are generating revenue for those who supply money and other resources to terrorists. They are also sending a message to these countries that they are not really isolated, as they should be, and that the United States, in some form, finds their behavior acceptable.

We have passed laws, such as the International Emergency Economic Powers Act, which make it clear U.S. companies must not do business with terrorist states. The vast majority of American companies abide by that law. However, a few companies have exploited a loophole that allows them to do business with Iran and other rogue nations.

If we look at this chart, we see the structure or format that permits this to happen. Once they form a subsidiary company that doesn't have the same restrictions on doing business with Iran we have, that money can be earned, revenues can be generated that help these countries, help Hezbollah and Hamas, and they brag about it constantly.

This placard demonstrates how companies utilize this loophole.

U.S. companies often have several subsidiaries. Most American companies and their subsidiaries do not cross the lines that prevent business with terrorist states. But some do, and here is how they do it.

Some U.S. companies set up a foreign subsidiary for the specific purpose of gaining revenues from terrorist states. The reason is the sanctions laws prohibit the parent company and its foreign branches from doing business with terrorist states. Foreign subsidiaries, however, are not mentioned in the law. This omission has not gone unnoticed by corporate lawyers. It has been identified as a major loophole that allows companies to do business with rogue states.

We know a few American companies are using this loophole to do business with the Iranian Government. This is the same Iranian Government President Bush said is part of the axis of evil. This is the same Iranian Government that directly funds organizations

like Hamas, Hezbollah, and Islamic Jihad—all terrorist organizations, according to the State Department.

Now, for a moment, I ask my colleagues to look at the young faces in this photograph. One of these young women is Sara Duker, a young woman who lived in New Jersey until her death. The other is Abigail Litle. Sara was a constituent of mine. She was a 22-year-old from the town of Teaneck, NJ; a summa cum laude graduate of Barnard College. Sara was killed with her fiance when the bus she was riding in Jerusalem was blown up in 1996 by Hamas. Hamas receives funding and support from the Iranian Government. Iranian terrorists caused the deaths of many American citizens abroad, including the 240 Marines who were brutally murdered in their sleep in 1983 in Beirut. They also took the lives of these two young American women, Sara Duker and 14-year-old Abigail Litle.

Iran sponsors terrorism. The terror they help fund has killed hundreds of Americans. Yet American companies—it is hard to believe this—are flaunting the law in order to do business with the Iranian Government. It is wrong, but it is not technically illegal yet. This amendment would change that.

I say to my colleagues this is a loophole we must close. We have to tell both our friends and those who continue to sponsor terrorism we are serious in our efforts to battle this evil.

It is inexcusable for American companies to engage in any business practice that provides revenues or profits to terrorism. We have to stop them. We have a chance to do that today with this amendment.

The bottom line is big businesses, even those with financial ties to top members of our Government, do not get a free pass in this war on terrorism. No one in America wants to give these countries any advantage they could restrict them from.

I urge my colleagues to support the amendment, close the terror-funding loophole, pass this legislation, and send out the message we are against any help for terrorist nations that might occur.

I understand the request I agreed to earlier is to permit another amendment to be considered. I will honor that commitment, and I want to make sure we have an understanding that at an appropriate time we will have a discussion and further review of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished colleague from New Jersey. I want to confer with the distinguished ranking member, who will soon be back. In the meantime, if it is agreeable with the Senator, we will lay his amendment aside. I so request that.

The PRESIDING OFFICER. The amendment will be laid aside.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in support of the fiscal year 2005 National Defense Authorization Act. As a member of the Senate Armed Services Committee, I especially commend the able leadership of our chairman, Senator JOHN WARNER. Under his leadership and that of the distinguished ranking member, Senator LEVIN, the Senate Armed Services Committee has delivered to the full Senate a vital piece of legislation for our security now and in the years to come.

This legislation provides vital resources for the men and women in our military, resources they require in defending our Nation and in carrying out the operations overseas.

I am proud that the legislation before us builds on the efforts we have made in previous years to ensure that our troops are the best paid, the best trained, and best equipped in the world. It includes, for example, a 3.5-percent across-the-board pay raise for military personnel. It authorizes the permanent increase in the rate of family separation allowances from $100 per month to $250 per month. It also authorizes a permanent increase in the rate of special pay for duties subject to hostile fire or imminent danger from $150 per month to $225 per month. These provisions, in a small way, help to recognize the sacrifices of those who are deployed in Afghanistan and Iraq.

One of the greatest obligations we have is to provide the best protection possible to our troops who are being sent into harm's way. Therefore, the committee added $425 million for additional force protection equipment, such as up-armored Humvees, ballistic equipment kits to fortify Humvees, and combat clothing for service members, such as body armor.

With 60 percent of its National Guard personnel deployed, Maine has the second highest deployed ratio in the Nation. There is only one other State that has deployed more of its National Guard than the State of Maine. I am very grateful for the service of our Guard and Reserve members, but I am also very concerned about the heavy burden we are imposing on our Guard members and reservists, their families, and their employers.

Many of my colleagues know of the experience, for example, of one of the military police companies from Maine which was on its way home on Easter weekend when it received orders to extend its deployment and return to Kuwait and Iraq. This news was demoralizing for some of the soldiers in this unit who had already been in Iraq for more than a year, and it was devastating to the family members who were ready to welcome them home on Easter Sunday.

Thankfully, this bill begins to address the many significant contributions and sacrifices being made by our guardsmen and reservists in the global war on terrorism. It authorizes a new benefit option under the military health care program known as TRICARE.

TRICARE Reserve Select would be offered for the first time to members of the selected Reserve and Guard and their families who could participate in TRICARE for a premium. It authorizes more than $400 million above the President's budget request for enhanced health benefits for reservists, which will improve mobilization readiness and ensure the continuity of health care services.

The legislation focuses on other areas in need of reform as well. Earlier this year, the committee held a hearing on sexual assaults in the military. We heard very disturbing testimony about sexual assaults and the inadequate response to victims. This legislation directs the Secretary of Defense to develop a comprehensive policy and procedures for the prevention of and response to incidents of sexual assault involving military members.

As a member of the Seapower Subcommittee under the able chairmanship of Senator JIM TALENT, I am particularly pleased that this authorization bill provides significant funding for our naval forces. We continue to marvel at the capabilities and the commitment of our Navy. At the start of Operation Iraqi Freedom, for example, 70 percent of our surface fleet and 50 percent of our submarine fleet were deployed in Iraq, the highest deployment rate since World War II.

This Defense authorization includes $6.7 billion for the procurement of seven ships. These include three DDG–51 Arleigh Burke class destroyers, two of which will be constructed at the famous Bath Iron Works in Maine. While this shipbuilding budget represents considerable progress, I want to note for my colleagues that we need to be vigilant about the number of ships we are building to ensure that our fleet can meet our national security requirements.

Our Navy now has fewer than 300 ships, and the current rate of production, unfortunately, will not allow that number to increase. This could place our shipbuilding industrial base at risk. To avoid that unacceptable outcome, the Senate Armed Services Committee added report language at my request that directs the Navy to take all actions necessary to ensure the viability of the second shipyard—that is Bath Iron Works—in order to maintain a healthy and competitive industrial base.

We have a responsibility to ensure that our Navy is well prepared to fight today and tomorrow. Part of that involves designing and developing the next generation of ships. The last three destroyers of the Arleigh Burke class are funded in this fiscal year 2005 Defense authorization. They will be followed by a new class of destroyers, a destroyer designed to meet the challenges of the 21st century, the DDX. One of the two builders of the DDX, I am proud to say, is Bath Iron Works in the State of Maine.

I am pleased to state to the distinguished Presiding Officer, my colleagues, the citizens of Maine, and the fine employees of Bath Iron Works that this bill represents important progress in securing the future of our Navy and the future of Bath Iron Works. It will help to preserve America's proud maritime tradition and our shipbuilding industrial base.

I have been extremely concerned about the fiscal year 2006 gap in the production of surface combatants in the administration's proposed budget. If permitted, this would be the first time in 20 years that no surface combatant would be built.

Moreover, the Navy's analysis of the impact on the industrial base indicates that if the DDX schedule were to slip, the shipyard that is scheduled to build the follow ship—in this case Bath Iron Works—could experience significant workload issues.

Fortunately, there is good news in this bill. I have worked very hard with my colleagues on the Armed Services Committee in an effort to maintain some stability in the shipbuilding industrial base. At my request, the committee added $99.4 million to begin the construction of a second DDX to be built in Bath in fiscal year 2006, thus accelerating the start of construction by 1 year and helping to partially fill that very dangerous gap in our shipbuilding budget. This funding will help to ensure a more stable workload for Bath Iron Works and, thus, to preserve the skilled workers essential to our national security.

We only have two shipyards left that now build surface combatant ships. We need to make sure that we sustain the highly skilled workforce in both of those yards so that we have a competitive environment for the Navy.

This bill has a number of other very important provisions for new weapon platforms and systems. It also recognizes that our Nation cannot maintain its technological superiority over potential adversaries without investing in emerging capabilities.

The legislation authorizes $11 billion for the Defense Science and Technology Program, including an additional $450 million for transformational basic and applied research activities, bringing the Department closer to its goal of investing 3 percent of its budget in such programs.

Finally, I am also very pleased that this legislation includes provisions that I authored allocating $3 million to establish a U.S. Army Center of Excellence at the University of Maine. I know from my conversations with Army officials and generals that they are very excited about the possibility of a Center on Advanced Structures and Composites in construction. The center will focus on addressing the Army's needs in fundamental and applied research related to the use of advanced composite materials and structures.

These are a few of the reasons why this Senate should strongly support the fiscal year 2005 National Defense Authorization Act.

I again want to commend the chairman and ranking member of the committee for their hard work, working with all of us on the committee, as well as with the administration and one another, in bringing forward this vital legislation.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our distinguished colleague from Maine for all of her hard work on the Armed Services Committee. I very much enjoyed her strong remarks in support of this bill.

I believe the distinguished Senator from Texas is now ready to present an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. LEVIN. Mr. President, will the Senator yield while I add my thanks to the Senator from Maine for the contribution she makes to the committee. She highlighted a number of initiatives she has undertaken on the committee. In addition to those very strong efforts on the part of the Senator from Maine, she has been such a major contributor in the strength of the committee over the years that I wanted to acknowledge that along with our chairman of the committee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3152

Mrs. HUTCHISON. Mr. President, I am going to offer an amendment, but I first want to commend the committee for producing a very good bill. I cannot think of anything more important while our troops are in harm's way. We see on television and read in the newspapers every day about what our troops are doing for our country. Now they know they are going to be fully funded. The priorities in this bill are the right priorities.

I commend the distinguished chairman, the Senator from Virginia, and the distinguished ranking member, the Senator from Michigan, for producing this bill. Sometimes producing this bill has been very difficult, but it looks as though the committee came together knowing how important this was for our military to see that it would not be minor skirmishes that would submarine this very important legislation. So I commend the committee.

I say on a couple of points with which I am particularly involved that I think the committee has done a terrific job. First, I am chairman of the Military Construction Subcommittee, which is part of the Appropriations Committee. The administration requested approximately $9.5 billion for military construction and family housing, and the committee went up to $9.82 billion, increasing the administration's request, because family housing is so very important right now.

We are beginning to give a better quality of life to all of our military personnel. Whether they are single and live in barracks or whether they have family housing requirements, they are getting better quality. I am very pleased about that, and particularly that the committee also fully funded all of the requirements of the very critical military construction of the Department of Defense for overseas locations.

As we look at our military construction budget, we are making sure the military construction we do overseas, not counting in our combat zones, but in places where we have facilities, that we are focusing now on only putting money in facilities we know are going to endure. Part of the overseas basing commission Senator FEINSTEIN and I passed, along with the help of the authorization committee, to assure that we look at all of those bases, that we not put one military construction dollar where we do not know absolutely that is going to be an enduring facility so our taxpayers know we are not going to be building some big cafeteria, fitness center, or headquarters in a place we are going to abandon in the next 2 to 3 years. So we are trying to spend wisely and the authorization committee did an excellent job of funding the military construction authorization, working with our subcommittee that will be appropriating funds.

The second area they should be commended for addressing is our military compensation. Certainly increasing our military pay by 3.5 percent, which the President requested, it will be fully funded and assure everyone in the military. Then adding to the combat pay and adding to the separation allowance, these are very important items to increase the quality of life for those serving our country today, and their families.

It was mentioned earlier by the Senator from Maine that there should be an addressing of the issue of sexual assault in our military. It is important that there will be a comprehensive policy and procedure for prevention and response to incidents of sexual assault involving military members. It is required that that be done in the next year. I am very pleased the committee chose to do this because we have been reading disturbing reports about this subject. All of us are concerned that our young women who agree to serve in our military and who are performing so well be able to serve knowing they will be protected from any kind of physical assault.

Last, I want to mention the Joint Strike Fighter, which is a very important future fighter airplane I am very excited about and have been involved in as it has evolved from the drawing board. It will be made in Texas, so I am more familiar with it. I am very pleased the committee chose to fully fund the research, development, and testing of future fighter planes that will give us the total dominance of the air in future years. I think the committee did an outstanding job.

Before I go to my amendment, there is one area I also want to bring up with

the chairman. I would like to try to come up with an appropriate amendment, working with the committee, that deals with reaching the cap on privatized housing for our military personnel. We have been able to do so much more by having an association with private housing builders and contractors. We could never, ever have put the housing we have on the ground if we had had to fully fund this from our Department of Defense funds.

We have been able to have partnerships with private companies where they would do the building and we would lease back those facilities through the years. We have been able to increase the quality of housing in that respect. We are soon going to reach the $850 million cap. We were very concerned we would be bumping against that, and stopped some of the projects that are on the drawing boards today, projects our military personnel have looked forward to coming to fruition, places like Fort Hood where we have severe housing shortages.

The military personnel have been relying on the family housing projects that have been built by private companies and now we are looking at hitting that cap and not being able to go forward with those projects. I would like to ask the distinguished chairman of the committee if he would work with me and see if we could come up with some appropriate language that would raise that cap maybe by $300 million, $400 million, or $500 million, so we would not have any danger of bumping against the cap before we have the opportunity to address it in the next authorization appropriations bill.

I ask the distinguished chairman if this is also a concern of his and if he would try to work with me, if there is an amendment we could offer together or somehow assure that we will not stop the planning that is going on now for some very important military housing projects.

Mr. WARNER. I thank the distinguished Senator for her inquiry. I will give her assurance that we will take it into consideration. For the moment, though, we are on this amendment. To my understanding it is now pending at the desk?

Mrs. HUTCHISON. I was going to send my amendment to the desk, and I am now prepared to do that.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3152.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize medical and dental care for cadets and midshipmen, and to authorize disability benefits for cadets and midshipmen of the service academies)

On page 147, after line 21, insert the following:

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical and dental care: cadets and midshipmen

''(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

''(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

''(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

''(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

''(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) meals during hospitalization.

''(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: cadets and midshipmen of the service academies.''.

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

Mrs. HUTCHISON. Mr. President, this amendment attempts to solve a problem facing not this generation of military leadership but our future generation of military leadership.

Current law established in the Career Compensation Act of 1949 denies cadets and midshipmen the disability benefits that would be provided to any other member of the Armed Forces, especially when they are injured in the line of duty. With respect to health benefits, cadets and midshipmen who are separated for medical disability after being injured during military training now face unnecessary and unfair burdens in maintaining the continuity of their health care.

In addition, Reserve Officer Training Corps, ROTC cadets are in many cases required to pay for their own medical care after being injured during military training. Even though ROTC cadets are covered under the Office of Workers Compensation within the Department of Labor, medical care providers, many of whom have not been compensated for their prior work, decline to treat ROTC patients unless they use private medical insurance.

This is not something that we should allow to remain a problem. In 2001, when I became aware of the plight of some seriously disabled cadets and midshipmen from the service academies, I asked for a study. These cadets were discharged from the Armed Forces without any entitlement to future medical care or disability benefits. In each of these cases, the cadets and midshipmen had been injured in the line of duty.

I asked for a report, and the Department of Defense did find that the ROTC also had examples of how the health care system, which currently operates under the Department of Labor, does not adequately serve these former cadets whose care was under their charge.

In one case, a ROTC cadet received dental injuries during training at the Fort Lewis advanced camp for the U.S. Army. As a result of his injuries, he received emergency medical treatment at Fort Lewis but required followup treatment at a civilian treatment facility. The only dentist who would see the cadet treated him and received $13 on the $1,200 bill that was submitted. The dentist attempted to work in conjunction with the cadet and the ROTC unit for nearly a year to receive full payment for his work, and he never did.

So the amendment I offer today would include academy cadets and midshipmen in the military disability discharge and retirement system so that they can also receive necessary health and dental benefits, and for ROTC cadets it would transfer responsibility for medical claims from the Department of Labor to the Department of Defense, authorizing the use of supplemental health care programs in the TRICARE management agency. While no additional benefits would be provided to ROTC participants, the change would ensure a better quality of health care.

This amendment is fair to academy cadets, midshipmen, and ROTC cadets

who are injured while in the performance of military training. It would provide health and disability benefits to those who currently receive none if they are midshipmen and academy cadets. It also ensures a credible health care system widely accepted by health care providers for those currently covered under the less effective OWC program.

The Congressional Budget Office and Department of Defense estimate these changes will cost approximately $460,000 a year. So this is a very small amount of money required to provide care for those who are in training to serve our country.

The bottom line is these ROTC cadets who are injured in military training would be able to receive health care if they need it as a followup, after the emergency treatment from that training accident. This provides that they can go from the Department of Labor to the Department of Defense to receive better quality and more experienced health care coverage.

Regarding those midshipmen and cadets in our military academies, it would allow those who have to be severed from the academies because of their injuries, because they are no longer physically able to become members of the armed services, if they are injured in military training, that they would be able to receive the health care and the disability payments to which they would be entitled. It would go to the Veterans Affairs Department for them to determine what kind of disability and how much of a disability, just as those in the armed services do today. I think it is the fair thing.

It is the result of a study that I requested. So I believe it is my responsibility to try to correct the problems that were found in the study and treat these young ROTC cadets and those wonderful young people who are in our military academies and in the Naval Academy and Coast Guard—that they would also be able to receive health care if they are injured and would be able to receive a disability payment if they are severed from the academy.

I ask at the appropriate time I have a vote on my amendment.

Mr. WARNER. Shall we ask for the yeas and nays?

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, so I understand it, I would like to hear again from the distinguished proponent of the amendment. Clearly, the midshipmen at the Naval Academy, cadets at West Point and the Air Force Academy, get very clear treatment. I want to clarify exactly what the college ROTC, NROTC, Air Force ROTC—what is it they get? Is it less than the midshipmen?

Mrs. HUTCHISON. Yes. First, let me say with regard to the academy——

Mr. WARNER. This bill goes a long way to improve it, as I read it. I want to make it clear. I don't want to raise expectations too high.

Mrs. HUTCHISON. Let me say, as regards the academy members first——

Mr. WARNER. The three service academies.

Mrs. HUTCHISON. Of course they get health care—treatment for their injury. But assume their injury then keeps them from being able to stay at the academy; they have to be let go because they no longer can perform the physical functions. Then they go into the private sector and their health care continuity would be assured under this amendment as they would get a small disability as well because they were in training.

ROTC, today, does give health care benefits if they are injured in training, but it is under the Department of Labor, and it is under workers' compensation. There has been a dissatisfaction with the kind of treatment they have been able to receive, and the Department of Labor and workers' compensation doesn't have the same understanding of a military injury. All we are doing—and this costs absolutely nothing—we are just transferring the benefit from the Department of Labor to the Department of Defense so these young people would be able to get continued health care for whatever their injury was when it was in the line of duty.

Mr. WARNER. Mr. President, I think that is exceedingly helpful. I commend the distinguished Senator. My notes show she started back in 2001 on this issue, and at that time we reached a consensus that we would let the Department of Defense issue a report. That comprehensive report was issued the 1st of May in 2003.

Again, I thank the Senator for bringing it to the Senate's attention. I urge all Senators to support this amendment.

Mrs. HUTCHISON. I thank the chairman. I appreciate that very much. I appreciate very much the ability to work with his staff and with the minority staff as well to assure that we were doing exactly what we wanted to do in the narrow area to which this corresponds. I thank the chairman and look forward to having a favorable vote on my amendment.

Mr. WARNER. Mr. President, I thank our distinguished colleague.

I would like to say a few additional words, but I will defer to our distinguished colleague from Michigan if he would like to speak.

Mr. LEVIN. Mr. President, I commend the Senator from Texas for her leadership. She has been very patient and has allowed us to be very thorough. As a result, I think the amendment which she sponsors is very valid, and not only will pass overwhelmingly, hopefully for the good it does, but also will make it through conference. I commend her for her tenacity on this issue. I hope it is successful. It fills some gaps which need to be filled.

Mrs. HUTCHISON. Mr. President, I very much appreciate the remarks of the distinguished Senator from Michigan. I also commend the distinguished Senator from Michigan as well as the distinguished chairman of the committee for producing an excellent bill.

Mr. WARNER. Mr. President, I have gone through the report in support of this amendment issued by the Department of Defense. I find the history very interesting. There are four academies because the Coast Guard is very much included.

Until the enactment of the Career Compensation Act of 1949, disability retirement was a prerequisite of commissioned officer services. The most significant reform of the provisions of this legislation was the inclusion of enlisted personnel within the group eligible for benefits. Prior to 1949, cadets and midshipmen, as well as the enlisted personnel in the Armed Forces, were denied disability benefits. It is amazing to think back about how that could have been possible.

There is no record of cadet disability being seriously considered until the review of pay and benefits that led to the Career Compensation Act of 1949. At that time, however, it is clear that Congress established a policy that exists today. During the hearings on H.R. 5007, which became the act of 1949, the following colloquy occurred before the Senate Armed Services Committee.

Senator Baldwin asked:

On page 63, in the provisions of the law as written here, with reference to retirement for disability, does service at the Coast Guard Academy, Annapolis, and West Point—is that included in the period of service?

Admiral FECHTELER. Now——

The CHAIRMAN. Suppose a man is disabled while he is at the Naval Academy or the Coast Guard Academy or at West Point; suppose he breaks his leg in such a fashion that he cannot walk well any more, and you gentlemen decide that he is unfit? What happens to him if he is in one of the three academices?

Admiral FECHTELER. He is just discharged.

The CHAIRMAN. Does he get any severance pay?

Admiral FECHTELER. No, Sir.

The CHAIRMAN. He is just out of luck?

Admiral FECHTELER. That is right.

The CHAIRMAN. Through no fault of his own, while actively engaged in the curriculum prescribed for these men?

Admiral FECHTELER. He still gets nothing.

Senator BALDWIN. I would hat to see a good back for the Navy going around an Army end for a touchdown, break his leg and come to such an end.

Senator CHAPMAN. That is the present law?

Admiral FECHTELER. That would continue under this.

The CHAIRMAN. That is an interesting observation, nevertheless.

For some reason, they went ahead and exempted these young men, the midshipmen in the ROTC. And now, many years later, the Senator from Texas very wisely has corrected our predecessors, I say to Senator LEVIN, who allowed this to slip these many years. I think it is an interesting chapter in history.

Mr. President, on behalf of the leadership, I ask unanimous consent that at 5:30 today the Senate proceed to a vote in relation to the Hutchison amendment with no amendments in order to the amendment prior to the vote; I further ask unanimous consent that the time until 5:30 be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

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

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I see no Senator at this time seeking recognition. 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ALLEN. Mr. President, I ask unanimous consent to speak up to 17 minutes as in morning business provided that the time be charged against the Republican-controlled time.

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

BROWN V. BOARD OF EDUCATION

Mr. ALLEN. Mr. President, I rise today to commemorate the 50th anniversary of the U.S. Supreme Court ruling in Brown v. Topeka Board of Education.

I wish to take this opportunity to honor two outstanding Virginians who played key roles in this historic decision. Those two men are Spottswood W. Robinson III and Oliver W. Hill.

It is hard to imagine that only fifty years ago separate but equal under the 1896 Supreme Court decision, Plessy v. Ferguson, was allowed to be the law of the land in the United States. It is hard to imagine that not so long ago, in many States, Black children and White children were forbidden from learning in the same classroom or even the same school. It is regretful to think that only fifty years ago there were still those who believed people should be judged by the color of their skin rather than the content of their character.

In the historic Supreme Court decision of Brown v. Board of Education, the highest court in the United States ruled unanimously that ''separate but equal'' education facilities for African-American children were a violation of the United States Constitution. This single decision opened the door for equal treatment of all Americans, regardless of race; an idea enshrined in the spirit of our Constitution, but, at the time, not properly reflected in our laws.

Eight year-old Linda Brown surely did not know how historic her actions would be—she simply wanted to attend the nearby school with her friends. But instead, she was forced to attend a ''separate'' facility with Topeka's other African-American children.

Chief Justice Earl Warren's decision for the Court was eloquent:

> Today, education is perhaps the most important function of State and local governments. . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. The Court concluded that ''in the field of public education, the doctrine of 'separate but equal' has no place; separate educational facilities are inherently unequal.

So here we are on the occasion of the 50th anniversary of the Court's decision and I would like to honor these two great Virginians, Judge Spottswood Robinson III and Mr. Oliver W. Hill. Both of these valiant gentlemen devoted their lives, energy, and resources to ensure that all Americans are afforded an equal opportunity in every aspect of American life.

My predecessor, as Governor of the Commonwealth of Virginia, the Honorable L. Douglas Wilder, rightfully described Judge Spottswood Robinson as ''one of those unsung and little noticed giants'' of the civil rights movement. Born in Richmond, VA, on July 26, 1918, to a middle-class African-American family known for its presence in the business community, Spottswood Robinson learned from his father and his grandfather that honesty and hard work lead to success.

Spottswood Robinson was an academic leader at segregated Armstrong High School, excelled as an undergraduate at Virginia Union University, a historically Black college and Howard University, another historically Black college. He graduated from the Howard School of Law in 1937.

One might ask, ''why did he go to Howard University? Howard University is in Washington, DC.'' The sad fact was, he could not get a legal education in his home Commonwealth of Virginia. There were no legal or law opportunities for Blacks in Virginia. At Howard, though, he excelled and scored the highest scholastic average ever achieved at the school. He later stated that ''one of the things drilled into my head was . . . this legal education that you are getting is not just for you, it was for everybody. So when you leave here, you want to put it to good use.''

Spottswood Robinson certainly did put his knowledge to good use. Spottswood Robinson was considered the architect of the legal plans to overcome the closing of public schools in Prince Edward County, VA. He also used his knowledge to lay the groundwork for the monumental case of Morgan v. Commonwealth of Virginia. In this case involving segregation on the Greyhound buslines, Robinson advocated a unique legal proposition that segregation imposed by the Greyhound Bus Company violated the Commerce Clause of the Constitution which was a departure from the legal theory that the 14th amendment due process clause would be invoked. His deft use of the Commerce Clause gave the Civil Rights cause a historic success.

After Judge Spottswood Robinson gave up his law practice in 1960, he was asked to be the Dean of the Howard University School of Law. In 1964, President John F. Kennedy selected Judge Robinson to be the first African American to be appointed to the U.S. District Court for the District of Columbia. In 1966, Judge Robinson became the first African American to be appointed to the U.S. Court of Appeals for the District of Columbia Circuit when he was appointed by then-President Johnson. On May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the Circuit Court of District of Columbia. He retired in 1992 and he died in 1998 at the age of 82 in his Richmond, Virginia home.

Another key Virginian in the civil rights movement was Oliver W. Hill. His life story is one of endless pursuit of justice and fairness. Mr. Hill was also born in Richmond, VA, in 1907. From the start, Mr. Oliver Hill epitomized excellence in all endeavors. He also attended Howard University where he received his undergraduate and law degrees, graduating second only to the future Supreme Court Justice, Thurgood Marshall. In 1948, Mr. HILL was elected the first African-American member of the Richmond City Council since reconstruction.

As part of the NAACP Legal Defense Fund, these two gentlemen, Spottswood Robinson and Oliver Hill, played instrumental roles in litigating cases that resulted in the Supreme Court's decision in Brown v. Board of Education. They were the two key litigators for the Virginia portion of this case which was styled Davis v. County School Board of Prince Edward County. They joined other civil rights attorneys Justice Thurgood Marshall and Mr. Jack Greenberg in representing those who firmly believed that ''Separate but Equal'' was not the American way.

The historic efforts of these men positively changed our nation. In 1999, the United States Congress recognized Oliver Hill's efforts by awarding him the Nation's highest civilian honor, the Presidential Medal of Freedom. Mr. Hill's medal reads:

> A courageous civil rights advocate, Oliver Hill has devoted his life to building a more just and inclusive America. As a trial lawyer, he won landmark cases that secured equal rights for African-Americans in education, employment, housing, voting and jury selection. Successfully litigating one of the school desegregation cases later decided by the Supreme Court in Brown v. Board of Education, he played a key role in overturning the ''separate but equal'' doctrine.

In addition to being awarded the prestigious Presidential Medal of Freedom, Mr. Hill's efforts have been recognized by organizations and institutions in Virginia and across the nation. In 1983, students at my alma mater, the University of Virginia, founded the Oliver W. Hill Black Pre-Law Association. In 1992, Mr. Hill was honored with Dominion Power's ''Strong Men and Women'' award. Each year the Virginia State Conference of the NAACP awards the ''Oliver W. Hill Freedom Fighter Award'' to an outstanding civil rights advocate. In 2001, the American College of Trial Lawyers presented Mr. Hill with the ''Award for Courageous Advocacy.'' Each year the Old Dominion Bar Association awards the Oliver W. Hill Scholarship to outstanding Virginians entering Virginia law schools. A bronze bust of Mr. Hill is proudly displayed at the Black History Museum and Cultural Center of Virginia.

As with Spottswood Robinson, these honors and eminent awards were rightly bestowed on a man who exemplified character and perseverance in the face of adversity and injustice.

Mr. President, our Nation has progressed in large part due to brave, tenacious and brilliant individuals like Spottswood Robinson and Oliver Hill. I believe that I speak for the entire nation in saying to Oliver Hill and the family of Judge Spottswood Robinson, how grateful we are for their commitment to the American ideals of equality, fairness and justice.

As we commemorate the 50th anniversary of this historic decision, we must always remember that our Nation was founded upon the idea and proposition that ''all men are created equal,'' and we must ensure that our Nation's policies properly reflect this commitment to equality of opportunity ''regardless of one's race, ethnicity, gender or religious beliefs.''

''For his unyielding efforts to improve the lives of his fellow Americans and his unwavering dedication to justice for all, our Nation honors Oliver Hill.''

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Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business and the time be charged to our side.

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

COMPENSATION FOR NEGRO LEAGUE BASEBALL PLAYERS

Mr. NELSON of Florida. Mr. President, on the occasion of the 50th anniversary of Brown v. Topeka Board of Education, I am happy to announce to the Senate I have come from Tampa, FL, where I made an announcement of some significance today. Seated with two Negro League ballplayers—a pitcher from the Kansas City Monarchs, Bob Mitchell, and a pitcher from the Indianapolis Clowns, Mr. Maddox—we were happy to announce, with a representative of Commissioner Bud Selig present, the first compensation for the Negro League players who were kept out of the Major Leagues, because segregation did not end with Jackie Robinson breaking the color barrier in 1947. Indeed, Major League Baseball was not integrated until the late 1950s.

When Commissioner Selig, in 1997, decided to do something about the inequity of the Negro League players never having been compensated—but the criteria was based on the principle they would be compensated if they had played in the Negro Leagues before 1947 and in the Majors after—today the principle was established by Major League Baseball that, in fact, the Majors were not integrated until the late 1950s. The compensation plan we announced will be for the Negro Leaguers who still played the same amount of time—4 years—but played 4 years in the Majors before the end of the 1958 season. Therefore, they, too, will be compensated.

Why is this important? It is important because of the sad fact of our Nation's history of segregation. There was tremendous talent in the Negro Leagues. We know of those such as Hank Aaron who came out of the Negro Leagues, and Jackie Robinson, the first to come out of the Negro Leagues into the Majors. We know of the home-run king, Hank Aaron, and what all he has meant to the game. But there were many other players who had fantastic talent but who were never able to break into the Major Leagues after Jackie Robinson because of the color barrier.

So with this announcement today, it is giving new life to those players who are now quite elderly. Also, Major League Baseball has been kind enough to recognize there will be a survivor benefit since many of these players are now getting on to the age of the twilight of their lives. For the period of time in which this compensation is available, it will also be available to their surviving spouse.

It has been such a privilege, and it is interesting, one of the great joys of public service is sometimes you are in the right place at the right time. I found myself in that position, having been elected to the Senate in the 2000 election. In 2001, I got a letter from Mr. Mitchell. He was asking for help, so we went to work on it. I met with him and a group of a half dozen of the old Negro League players. I told them I was going to go to work on this issue. And I say that with a great sense of personal satisfaction of knowing sometimes you are in the right place at the right time, to kind of move the ball along toward progress.

I have given several speeches on the floor of this Senate. I have brought it up in several committee hearings, more recent of which was about 2 months ago, with Commissioner Selig sitting there, of where we could discuss Major League Baseball's intent to provide for this compensation.

So one thing after another, with a lot of people working together, this is a happy day. I say it is coincidental, but it is a significant coincidence that it happens on the day of the 50th anniversary of the Brown v. Board of Education landmark Supreme Court decision.

As I have met with these baseball players who played in the old Negro Leagues, I have asked them: How good were you? And I would talk to the shortstops, but it was most revealing when I would talk to the pitchers, just like Mr. Mitchell and Mr. Maddox, who stood up with me today in making this announcement in Tampa. I asked: How good were you? They would look at me, and that big smile would break out on their face, and they would say: Senator, listen, we would smoke 'em. They couldn't hold a candle to us.

And I would say: Give me an example. And they would say: Today, they pitch four, five, maybe six innings. We would pitch nine straight innings, and we would still have the reserve to keep going.

Finally, what a happy day this is for a lot of them who are now eligible to receive this compensation. What a happy day it is for me and my staff, who have worked so hard people over the past 3 years. What a happy day it is for Commissioner Bud Selig, who has wanted to do the right thing because he knew it was the right thing.

I am glad to bring a little bit of good news to this august body of which I am very privileged to be a Member.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I see no one on either side of the aisle seeking recognition. 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.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3152, offered by the Senator from Texas, Mrs. HUTCHISON.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Oklahoma (Mr. INHOFE) would each vote ''yea.''

Ms. MIKULSKI. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Ms. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), the Senator from Nevada (Mr. REID), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Ms. BOXER), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Michigan (Ms. STABENOW) would each vote ''yea.''

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

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—82

Akaka	Allard	Baucus
Alexander	Allen	Bayh
Bennett	Enzi	McConnell
Bond	Feingold	Mikulski
Breaux	Feinstein	Murray
Bunning	Fitzgerald	Nelson (FL)
Burns	Graham (FL)	Nelson (NE)
Byrd	Graham (SC)	Nickles
Campbell	Grassley	Pryor
Cantwell	Gregg	Reed
Carper	Hagel	Rockefeller
Chafee	Harkin	Santorum
Clinton	Hatch	Sarbanes
Cochran	Hollings	Schumer
Coleman	Hutchison	Sessions
Collins	Johnson	Shelby
Conrad	Kennedy	Smith
Cornyn	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Dayton	Lautenberg	Sununu
DeWine	Leahy	Talent
Dodd	Levin	Thomas
Dole	Lieberman	Voinovich
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden
Durbin	Lugar	
Edwards	McCain	

NOT VOTING—18

Biden	Daschle	Kerry
Bingaman	Ensign	Miller
Boxer	Frist	Murkowski
Brownback	Inhofe	Reid
Chambliss	Inouye	Roberts
Corzine	Jeffords	Stabenow

The amendment (No. 3152) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, the Senator from South Dakota, Mr. DASCHLE, has advised me that his flight to Washington was delayed due to weather conditions. His flight was scheduled to arrive earlier this afternoon, but the delay resulted in his unavoidable absence during the previous vote on the Hutchison amendment. Senator DASCHLE has advised me that had he been here he would have voted ''yea.''

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

LOCAL LAW ENFORCEMENT ACT OF 2003

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.

On October 10, 2003, Bart Browne approached several men congregating outside an Albany, NY, gay bar. It is alleged that Browne hated gays and thus felt justified in sucker-punching one of the gay men in the face. The force of the single strike broke the 28-year-old victim's jaw, caused a permanent loss of feeling in his left cheek and eradicated the sense of smell in that nostril, prosecutors said. Fearing further assaults for being gay, according to prosecutors, the victim moved away from the area. Browne faces a hate crimes sentence of up to 4 years in state prison.

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.

HARKIN-HAGEL IDEA MANDATORY FULL FUNDING AMENDENT

Mr. REED. Mr. President, I rise in strong support and as a cosponsor of the Harkin-Hagel amendment to provide mandatory full funding for the Individuals with Disabilities Education Act, IDEA.

This amendment will provide mandatory increases in funding of $2.2 billion per year for the next 6 years and help us meet the needs of the approximately 6.5 million children served under IDEA.

Without full funding, we cannot realize the true promise of this law—a free, appropriate public education for all children with disabilities.

Living up to this commitment is not just an important goal; it is a necessity if we are to ensure that all children have an opportunity to succeed. Likewise, we must provide schools with the resources they need to make this happen.

When IDEA was first adopted in 1975, Congress committed to paying 40 percent of the cost of providing special education services. Sadly, after 28 years, we are only at 19 percent.

The President's fiscal year 2005 budget fails to fully fund IDEA, proposing to increase IDEA by only $1 billion—an amount that falls far short of our commitment. Across this country, there is growing frustration over the lack of education resources. The No Child Left Behind Act has only exacerbated such frustrations.

Our school districts are striving to provide a high quality education for all children but don't have the adequate resources to do the job.

As a result, parents of children with disabilities, who only want to ensure their child gets the education they deserve and need, are forced to fight for the very programs and services to make that possible.

For too long, we have forced school districts and schools to pit children against children.

For too long, we have forced parents of children with disabilities to battle principals, schools districts, and other parents for limited educational resources.

Schools urgently need the resources to fulfill the promise of IDEA, and they deserve better than this.

Our schools—and the students with disabilities that they teach—also deserve highly qualified and skilled educators.

For special educators, regular educators, principals, and others who provide education and related services to students with disabilities the need for action is clear:

47 percent of students with disabilities, ages 6–21, spend 79 percent or more of their time in regular classes.

98 percent of school districts report meeting the growing demand for special education teachers as a top priority.

An estimated 600,000 special education students are taught by unqualified or underqualified teachers nationwide.

Each year about one-third of special education program faculty openings are unfilled.

The Personnel Excellence for Students with Disabilities Act, which I introduced last year, seeks to address this critical area of need—ensuring that all students with disabilities are served by highly qualified and skilled teachers, education personnel and related service providers.

I am pleased that many of the provisions of my bill have been incorporated into S. 1248.

Together, we can ensure that children with disabilities have access to a high-quality, free, appropriate public education, and that the law truly reflects the needs of parents, teachers, principals, and related personnel.

Governors, State legislators, superintendents, principals, teachers, and parents are all unified in support of mandatory full funding of IDEA.

Now, instead of the empty votes and broken promises of the past, another opportunity to meet our commitment is upon us. I urge my colleagues to vote for the Harkin-Hagel amendment.

CONFLICT IN DARFUR, SUDAN

Mr. DURBIN. Mr. President, I rise today to call attention to the devastating conflict in the Darfur region of Western Sudan. Over the past 14 months more than 1 million people have been displaced by the scorched earth campaign waged by the Sudanese armed forces and 'janjaweed' militia. The number of refugees grows daily. The situation is hardly improving, despite recent attention.

I am pleased that earlier this month the Senate was able to agree to S. Con. Res. 99, which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the Darfur region. But I must caution my colleagues that we cannot consider this matter over and dealt with. We must keep abreast of ongoing developments in Darfur and continue to look for ways to bring an end to the conflict.

With that goal in mind, I would like to draw to the attention of my colleagues an enlightening article by Laurie Garrett, published in the May 10 edition of the Los Angeles Times. The op-ed focuses on possible consequences of the Darfur conflict which have largely been overlooked. Ms. Garrett explains that along with the horrid campaign of rape and murder perpetrated by the militia, those rapists and murderers are likely spreading disease among their victims and themselves.

When Ms. Garrett speaks of disease, she does not mean the common cold. She is talking about the most vicious and deadly infections known to man. Darfur is located in a region of Africa believed to be the origin of diseases like HIV, ebola, and West Nile virus, to name only a few. The reason we know the names of these diseases is not because they stayed confined to remote villages and tribes of Africa. These are diseases which grew rampant and spread across deserts and oceans to reach the farthest outposts of our Nation and the rest of the world.

While some may have difficulty imagining the horrors of a conflict far away in a remote part of Sudan, it is much easier to imagine consequences on our home soil. The possibility is very real that the rape campaign in Darfur could take a disease, previously confined to a single remote village, and spread it throughout the militia, their victims, and the rest of the world. This is a possibility which should not be ignored.

Along with many of my colleagues, I have worked very hard to combat the global epidemic of AIDS and will continue to do so until we have conquered that horrible disease. Laurie Garrett's warning is that our AIDS effort is not enough. We must do everything we can to prevent another AIDS or another West Nile from ravaging people around the world. Bringing a swift end to the conflict in Sudan will reduce the chance of a new and devastating infection being introduced into the international population.

I praise Ms. Garrett for bringing attention to the role of disease in the Darfur conflict and I hope that her article serves as yet another reminder that we must continue to push for peace in Sudan.

I ask unanimous consent that Laurie Garrett's op-ed in the May 10 edition of the Los Angeles Times be printed in the RECORD.

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

[From the Los Angeles Times, May 10, 2004]

THE MICROBES OF MAYHEM

(By Laurie Garrett)

As the horrors of Sudan's ethnic conflict mount, opportunities for pathogenic microbes—germs that could threaten people all over the world—rise in tandem. War and disease are often a matched set in Africa, with terrifying results: If the fighting doesn't kill you, disease very well could. And without outside help to stop the cycle, the devastating results will only spread.

In the Darfur region of western Sudan, an estimated 1 million ethnic-African Sudanese are refugees, the targets of government troops and horseback janjaweed militia—ethnic Arabs—who are torching and raping their way across hundreds of miles of poor farmland.

It is almost impossible to overstate how remote this region is. Permission to legally visit the area is rarely granted by the Sudanese government. So scientists know very little about the area's plants and animals, much less its microbes. But what they can surmise is frightening.

Darfur is just 500 miles north of N'zara, where scientists believe the often lethal West Nile virus (which has now spread to nearly every state in the United States) resides. In 1976, N'zara also was the site of a major outbreak of the deadly Ebola virus. And across Sudan's southern border, Uganda is believed to be ground zero for the global AIDS epidemic. The circumstances of West Nile's spread remain a mystery, but the Ebola outbreak and the AIDS epidemic owe a great deal to the treacherous mixing of war, refugees and microbes.

In 1976, an international team of scientists was in Yambuku, Zaire, doing battle with the world's first known epidemic of Ebola, a virus that causes uncontrollable bleeding. Ebola was rare, to say the least, so the scientists were stunned to hear rumors of another outbreak in N'zara.

American disease detective Dr. Joe McCormick drove a Land Rover across more than 400 miles of unmarked terrain to confirm the outbreak. To this day, however, scientists have no idea exactly how Ebola emerged in N'zara, or whether the virus normally inhabits the area. But they do know that ethnic warfare was underway in the region.

Most likely, infected animals—bats, perhaps—had taken up residence inside buildings in the area, probably as a result of human encroachment into the animals' normal habitat and changes in local weather patterns. It is believed that starving local residents hunted and ate infected animals, and once humans were infected, Ebola spread swiftly, thanks to the dire conditions in the region's war-torn hospitals and clinics, where needles were reused and sterile techniques were virtually unheard of.

As for HIV, it also can be traced to the 1970s and another ethnic-cleansing campaign in the same region of Africa. Ugandan strongman Idi Amin set his soldiers against tribes in the Rakai district, with rape as a primary weapon. When the conflict spilled over into Tanzania, so did the rape, and when Tanzania's army repulsed Amin's forces, it carried out its own campaign of rape in turn. As it happened, however, another form of revenge spread along with the rape: HIV.

The genetic history of HIV shows that the virus made its first leap to our species from a primate—probably a chimpanzee—some seven decades ago. But in traditional village settings across Africa, the virus did not readily spread, and less than 1% of any society is thought to have been infected before the mid–1970s. It took a catastrophic event, like Amin's brutal campaign, to amplify the rare virus into a pandemic.

Today, as then, a chief horror of the Darfur campaign is the militias' raping of women and girls. They brand their victims' foreheads so that all will know that the women and their potential offspring are tainted. Nobody knows how prevalent HIV is in the Darfur region (Khartoum has never allowed surveys of the area). In the Muslim north, surveys of pregnant women four years ago revealed that 3% of them were HIV–positive; a N'zara-area survey found infection rates twice as high. It isn't unreasonable to suspect that the current Darfur ''ethnic cleansing'' campaign is spreading the disease, not only among the people of Darfur and their

janjaweed rapists but also among refugees in camps in neighboring Chad. It is equally reasonable to posit that some other previously obscure sexually transmitted disease could be amplified to epidemic proportions via the bodies of the women of Darfur.

And there is yet another chapter in the region's disease history that has a bearing on what's happening in Darfur. Ten years ago, the world stood by as hundreds of thousands were murdered in Rwanda and thousands more died in the refugee camps. Initially, overwhelmed local medical workers believed that the disease causing many of the deaths was cholera. But it wasn't chiefly cholera that ravaged the refugee camps; it was shigella, bacteria that cause dysentery. Amid the ongoing violence and the chaos of the camps, black market antibiotics were taken indiscriminately. Instead of curing the bacteria, the uncontrolled use of antibiotics created a brand new fully drug-resistant strain that still plagues Africa.

Surely it is in our collective interest, in light of this sorry history, to pay heed to those who implore us to save Darfur, to stop the rape, to resettle the refugees, to end the chaos that breeds disease. Even if we cannot find Sudan on a map or have no room left in our hearts to bear witness to another war, we surely understand that deadly microbes are our problem, as well as theirs.

IN SUPPORT OF S. 2420

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters in relation to the May 13, 2004 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

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

CHILDREN'S DEFENSE FUND,
Washington, DC, May 13, 2004.

The Hon. BOB GRAHAM,
Senate Hart Office Building 524, Washington, DC.

DEAR SENATOR GRAHAM: The Children's Defense Fund shares your goal of strengthening the State Children's Health Insurance program (SCHIP). The SCHIP program provided coverage to 5.8 million children in 2003, but the latest data indicate that there are still approximately 8–9 million uninsured children, the majority of whom are currently eligible for Medicaid or SCHIP.

To cover these eligible, uninsured children states will need to further simplify their Medicaid and SCHIP enrollment and especially retention processes. They will also need additional federal resources. The SCHIP Expansion Act of 2004 would provide $18 billion in additional federal SCHIP funds and would also encourage states to adopt important Medicaid and SCHIP improvements such as continuous eligibility and passive renewal. In addition, your bill would, appropriately, prevent states with unspent federal SCHIP funds from capping or freezing program enrollment.

We look forward to working with you to enact legislation that will provide strong incentives for states to elect currently available options to streamline Medicaid and SCHIP enrollment and retention, and will discourage states from restricting enrollment in the SCHIP program.

Thank you for your leadership on this important issue.

Sincerely,

EMIL PARKER,
Director of Health, Children's Defense Fund.

CATHOLIC CHARITIES USA,
Alexandria, VA, May 13, 2004.

DEAR SENATOR GRAHAM: As a strong supporter of Medicaid and the State Children's Health Insurance Program (SCHIP), Catholic Charities USA would like to express our support for the SCHIP Expansion Act of 2004. We thank you for sponsoring this vital piece of legislation that we believe represents a critical step in providing coverage to all uninsured children.

We are especially pleased that the SCHIP Expansion Act of 2004 directly addresses the problem of health care access that millions of uninsured children face by providing new state options to expand SCHIP to all uninsured children regardless of income. This legislation will help ensure children's access to primary and preventive health care, enabling them to grow up healthy and participate in their communities.

We also support the provisions in the SCHIP Expansion Act of 2004 that would provide a higher federal SCHIP match to those states who streamline the enrollment process by implementing presumptive eligibility, twelve-month continuous enrollment, elimination of the asset test, and passive renewal. These simplification measures will allow families to gain quicker access to the health care they need.

In addition, we are pleased that this legislation restores federal funding allotments to pre-2002 SCHIP funding levels, which will enable states to continue to enroll and cover even more uninsured children.

Catholic Charities agencies work nationally and at the state level to ensure as many eligible children as possible are enrolled in Medicaid and SCHIP. We believe that it is critically important to ensure that poor and low-income children and families have access to the health care they so vitally need.

We thank you for introducing this legislation as we believe it represents an important step towards reducing the number of uninsured children in country and reducing the barriers to health care that many families face.

Sincerely,

SHARON DALY,
Vice President, Social Policy.

ADDITIONAL STATEMENTS

COASTAL WETLANDS EROSION IN LOUISIANA

• Mr. JEFFORDS. Mr. President, I thank the children of the Terrebonne Parish School System in Houma, LA, for writing to me about the dire effects of coastal erosion on their State. As part of the Houma-Terrebonne Chamber of Commerce's Save Our Soil Campaign, students from the Terrebonne Parish are writing letters to important State and Federal officials regarding the coastal land loss crisis in Louisiana. I truly appreciate their efforts and will do my part to support restoration in all of our Nation's coastal States.

Coastal erosion is an urgent problem in the United States, costing hundreds of millions of dollars a year, including damage caused by storms and flooding, costs of erosion prevention, and expenses to dredge channels and harbors. In Louisiana alone, wetland loss could cost the Nation $36.6 billion. The Atlantic and Gulf coasts account for 45 percent of the U.S. coastline and they are home to 63 percent of the structures within 500 feet of the shoreline. According to the Federal Emergency Management Agency, FEMA, the Nation's highest average erosion rates—up to 6 feet or more per year—occur along the Gulf of Mexico coastline, while the average erosion rate on the Atlantic coast is about 2 to 3 feet per year. A hurricane or other major storm can cause the coast to erode 100 feet or more in a single day.

This rate of erosion is unacceptable. As the Terrebonne students know, wetlands and barrier islands provide natural protection from strong winds and hurricanes. Coastal zones are ecologically significant, providing safe and healthy habitat for an abundance of migratory birds and other wildlife. Our Nation's commercial and recreational fisheries are dependent on the many species of fish and other aquatic organisms that spawn and nest in this delicate web of marshes, wetlands, and estuaries.

It is my sincere hope that through the Water Resources Development Act we will be able to conserve our remaining wetlands and restore many acres of precious coastline in Louisiana. I am grateful to the citizens of Terrebonne Parish for educating their children and fighting for the coastal restoration of Louisiana. We cannot stand to lose more of this previous natural resource.•

MESSAGES FROM THE PRESIDENT

Mesages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2004*.

MESSAGE FROM THE HOUSE

At 1:39 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 bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

H.R. 4279. An act to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

H.J. Res. 91 Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The message further announced that pursuant to 22 U.S.C. 276h, the order of the House of December 8, 2003, and clause 10 of rule I, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, Mr. BALLENGER of North Carolina, Vice Chairman, Mr. DREIER of California, Mr. BARTON of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, and, Mr. STENHOLM of Texas.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 91. Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on the Judiciary.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

PETITIONS AND MEMORIALS

POM–433. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine relative to the Farm-to-Cafeteria Projects Act; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, in the past 30 years childhood obesity rates in the United States have doubled in our children and tripled in our adolescents due to poor eating habits, and obesity can contribute to increased likelihood of developing diabetes, high blood pressure, high blood cholesterol and clogging of the arteries; and

Whereas, school cafeterias serve millions of children breakfast, snacks and lunch every day and struggle to maintain services in light of diminished budgets at the local, state and federal levels; and

Whereas, in May of 2003, the Economic Research Service of the United States Department of Agriculture released an evaluation of the Fruit and Vegetable Pilot Program, which, according to the report, worked to change immediately children's fruit and vegetable consumption, improve children's health, create a healthier school environment and supply a positive model for children's diets; and

Whereas, agriculture sustains rural communities, protects open space, creates scenic vistas and protects water recharge areas; and

Whereas, the northeastern states have a traditional system of small and midsized producers of agricultural products located close to the towns, villages and urban centers where the majority of the 58 million consumers reside;

Whereas, programs that link local farms to school cafeterias are reconnecting urban American with local agriculture in every state where they operate and providing a unique opportunity to make local agriculture relevant to the majority of the American population that now resides in urban and suburban

Resolved, That We, your Memorialists, respectfully urge passage of the Farm-to-Cafeteria Projects Act and any other legislation that will accomplish these goals: to assist schools in purchasing locally grown food, to provide more healthy and fresh foods for schoolchildren, to educate children and their families about the foods that are grown in their own communities and to expand market opportunities for local farms, ensuring that regional agriculture continue to be viable and available to provide a safe, secure food supply to all consumers; and be it further

Resolved, That suitable copies of this resolution, duly authenticate by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and the Northeast States Association for Agricultural Stewardship and to each Member of the Maine Congressional Delegation.

POM–434. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to First Lieutenant Garlin Murl Conner; to the Committee on Armed Services.

CONCURRENT RESOLUTION

Whereas, Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield introduced H.R. 327 to the 108th Congress to bestow this highly deserved honor on Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for over eight hundred days in eight major campaigns; he was wounded seven times but returned to combat and continued to fight on the front lines after each wound; and

Whereas, during World War II, over forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the medal of Honor due to an oversight and failure to process the paperwork;

Whereas, Lieutenant Conner served in the 3rd infantry Division with Audie L. Murphy, America's most decorated hero of all wars; as compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines longer, and was wounded more times; he was awarded many honors including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, that was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier, who was a friend of Lieutenant Conner and lived a few miles from Lieutenant Conner's home on the Kentucky-Tennessee border; and

Whereas, Major General Lloyd B. Ramsey (Ret.), who was Lieutenant Conner's battalion commander during combat in World War II, is still living and has signed the necessary documents for awarding the Medal of Honor to Lieutenant Conner; in 1945, Major General Ramsey wrote that Lieutenant Conner was ''one of the outstanding soldiers of this war, if not the outstanding. . . . I've never seen a man with as much courage and ability as he has''; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, ''I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What Lieutenant Conner did in stopping the German assault near Houssen, France in January 1945 was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them''; and

Whereas, on April 3, 2001, 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because ''It's a company-grade forward operating base named after a soldier with a company-grade rank''; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented the Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie L. Murphy; Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded; after reviewing Chilton's information, a host of former war veterans have written Congress requesting passage of H.R. 327 to award the Medal of Honor to one of America's greatest citizen soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The General Assembly of the Commonwealth of Kentucky urges the House Armed Services Committee as well as the entire United States Congress to adopt H.R. 327 awarding a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution to: Congressman Duncan Hunter, Chairman of the Armed Services Committee; the Clerk of the House of Representatives of the United States; the Clerk of the Senate of the United States; each member of the Kentucky Congressional Delegation; and to the widow of 1st Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner, Route 1, Box 208, Albany, Kentucky 42602.

POM–435. A joint resolution adopted by the Legislature of the State of Maine relative to military bases in Maine; to the Committee on Armed Services.

JOINT RESOLUTION

Whereas, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military and has indicated that reductions may total 25% or an estimated 100 bases; and

Whereas, the State of Maine has 3 distinct and important military installations that are potentially at risk for closure: the naval shipyard in Kittery, the Naval Air Station Brunswick and the Naval Computer and Telecommunications Area Master Station, Atlantic Cutler Detachment; and

Whereas, the naval shipyard in Kittery is one of only 4 public shipyards in the Nation, is vital to our maritime strength and is of major importance to 2 states' local economies; and

Whereas, Naval Air Station Brunswick is the only fully capable air base in the northeastern United States, does not encroach on the civilian community and has plenty of space for expansion, even for housing other branches of the military. Naval Air Station Brunswick is on the coast, and aircraft can take off and land without flying over major centers of population; and

Whereas, the Cutler detachment's primary mission is Very Low Frequency communications with submarines in the Atlantic Ocean and Mediterranean Sea; the installation has the most powerful radio transmitter in the world and is staffed with 84 civilian service workers, who ensure the signal stays in the wind to the submarine fleet; and

Whereas, the people of the State of Maine have long been at the forefront of our Nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and appreciation for the bases within our borders; now, therefore, be it

Resolved, That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for our 3 basses that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of these installations in this time of war on terrorism and the vital need to protect our Nation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–436. A resolution adopted by the Legislature of the State of Maine relative to emergency responders; to the Committee on Banking, Housing, and Urban Affairs:

JOINT RESOLUTION

Whereas, after September 11, 2001, the Federal Emergency Management Agency, under the Department of Homeland Security, administered grants to assist local fire departments and emergency responders across the Nation with necessary funds to upgrade and prepare; and

Whereas, last year, Maine emergency responders received $10.3 million in grants and hundreds of thousands of dollars have been provided to 23 Maine communities for their fire departments, which have purchased new protective fire-fighting clothing, training programs and materials, air compressors, vehicles and computers; and

Whereas, the current proposed federal budget calls for a reduction in funding of the grants from $750 million to $500 million, which will adversely affect communities throughout the State at a time when fire departments are still greatly in need of support; and

Whereas, these proposed cuts come at a time when safety and security concerns in Maine and in the Nation are still at a very high level, and the proposed cuts come at a time when we should be remaining vigilant in preparing for emergencies; now, therefore, be it

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together on this budget and to not cut the Federal Emergency Management Agency's funding source; and be it further

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together to help ensure that the emergency responders in the State of Maine and throughout the Nation are fully equipped, trained and funded and ready to face all emergencies; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–437. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to DNA identification information; to the Commission on the Judiciary.

HOUSE RESOLUTION NO. 585

Whereas, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system; and

Whereas, In the late 1980s the Federal Government laid the groundwork for a system of national, state and local DNA databases for the storage and exchange of DNA profiles, known as the Combined DNA Index System (CODIS); and

Whereas, CODIS maintains DNA profiles in a three-tiered distributed database which is available to law enforcement agencies across the country for law enforce purposes; and

Whereas, In order to take advantage of the investigative potential of CODIS, in the late 1980s and early 1990s states began passing laws requiring offenders convicted of certain offenses to provide DNA samples; and

Whereas, Currently all 50 states and the Federal Government have laws requiring DNA samples to be collected from specified categories of offenders; and

Whereas, The statute governing the national DNA index currently authorizes the inclusion in the index of profiles of ''persons convicted of crimes,'' which is narrower than the scope of DNA collection under existing legal authorities in most jurisdictions within the United States, including the Commonwealth of Pennsylvania; and

Whereas, As a result of the narrow Federal statutory language, states cannot enter into the national DNA index all the information they collect from their investigations, including DNA information from specified categories of adjudicated juvenile delinquents; and

Whereas, As a further result of the narrow Federal statutory language, the Commonwealth of Pennsylvania cannot enter certain DNA information that may lead to capture or exoneration for crimes such as murder and rape; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to amend 42 U.S.C. §14132(a)(1) to allow the inclusion in CODIS of DNA profiles of ''other persons, whose DNA samples are collected under applicable legal authorities''; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of the Pennsylvania congressional delegation.

POM–438. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky relative to the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in 1803, President Thomas Jefferson gained approval to form an expeditionary group to explore the Western territory of the United States; and

Whereas, the ''Corps of Discovery,'' led by Meriwether Lewis and William Clark, embarked upon its epic adventure in April, 1805, which at its conclusion returned invaluable information relative to the peoples, wildlife,

flora, and geography of the Western territory; and

Whereas, 2003 marked the bicentennial celebration of the embarkation of the Lewis and Clark Expedition; and

Whereas, Congress has seen fit to create the Lewis and Clark National Historic Trail; and

Whereas, H.R. 2327 introduced by United States Representative Goode and S. 2018 introduced by United States Senator BUNNING, now pending in the 108th Congress of the United States, seek to extend the boundaries of the Lewis and Clark National Historic Trail; and

Whereas, the extension of the Lewis and Clark National Historic Trail would make the trail the largest in the national parks system; and

Whereas, an extended Lewis and Clark National Historic Trail would serve to continue the celebration of the Lewis and Clark bicentennial celebration; and

Whereas, the extension of the Lewis and Clark National Historic Trail Would provide enhanced educational possibilities for all; and

Whereas, the extension of the Lewis and Clark National Historic Trail would generate an increase in tourism and tourism revenue in the states where the trail runs; and

Whereas, the proposed extension of the Lewis and Clark National Historic Trail would include specific sites in the Commonwealth of Kentucky: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby acknowledge the historical importance of the Lewis and Clark National Historic Trail and encourages each and every member of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the trail.

Section 2. The Senate encourages the subsequent passage of H.R. 2327 and S. 2018 of the 108th Congress of the United States.

Section 3. The Clerk of the Senate is directed to transmit a copy of this Resolution to Jeff Trandahl, Clerk of the House of Representatives, United States Capitol, Room H154, Washington, D.C. 20515–6601 and to Emily Reynolds, Secretary of the Senate, United States Senate, Washington, D.C. 20510, for distribution to the members of the United States Senate and the United States Senate, respectively.

POM–439. a resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to a comprehensive energy plan; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 24

Whereas, a comprehensive plan for energy independence is a vital component of the United States' national security strategy; and

Whereas, it is prudent for both national security and environmental concerns to promote energy independence for our country, and promote efficiency and conservation to develop cleaner technologies; now, therefore, be it

Resolved by the House of Representatives, That the New Hampshire house of representatives urges the President of the United States and the Congress of the United States to develop and work to implement a comprehensive plan to promote these states' goals; and

That this plan should include a plan to modernize our electricity system, promote conservation, and improve the United States' air quality; and

That this plan should promote economic incentives for the utilization of renewable energy sources; and

That this plan should promote increased energy production at home so the United States is less dependent on foreign oil; and

That this plan should promote the development of alternative energy technologies, such as hybrid, hydrogen, electric or natural gas powered vehicles; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Secretary of Energy and the New Hampshire congressional delegation.

POM–440. A resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act of 2003; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 79

Whereas, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

Whereas, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

Whereas, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

Whereas, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–441. A resolution adopted by the Board of the Town of New Castle of the State of New York relative to the Indian Point Nuclear Plants; to the Committee on Environment and Public Works.

POM–442. A resolution adopted by the Senate of the Legislature of the State of Hawaii to prices of prescription drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 24

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, That the President and Congress

are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it

Further resolved, That certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM–443. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to the distribution of Medicaid funds; to the Committee on Finance.

HOUSE MEMORIAL NO. 25

Whereas, Florida is the fourth most populous state, with 16.4 million residents, and

Whereas, more than 2 million Floridians live in poverty and approximately 2.8 million Floridians have no health insurance whatsoever, and

Whereas, it is a moral incumbency that every Floridian have access to quality, affordable health care, and

Whereas, impoverished Floridians have more difficulty securing quality, affordable health care, especially if they are uninsured, and

Whereas, Florida participates in the Federal Government's Medicaid program to support those impoverished citizens and ensure their access to health care, and

Whereas, when Medicaid was created in 1965, one of its purposes was to reduce the differences among the states regarding their respective abilities to fund medical services for the impoverished, and

Whereas, federal funds for Medicaid are distributed to the states based on a funding formula that uses per capita income as a key indicator of a state's ability to support its impoverished population, and

Whereas, numerous reports from the United States General Accounting Office dating back to the early 1980s demonstrate that per capita income is a poor indicator of a state's funding ability, and

Whereas, the use of per capita income assumes that states with lower per capita incomes have higher rates of poverty, which is a false assumption based on data from the United States Census of 2000, and

Whereas, the funding formula does not account for states' respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and

Whereas, the use of per capita income in the funding formula fails to accurately reflect the needs of the more populous states, and

Whereas, the use of a state's total taxable resources in the formula, as recommended by the General Accounting Office, would result in Florida receiving hundreds of millions of dollars more of federal funds in distribution, which amounts to its fair share, and

Whereas, according to the 2002 financial data of the Agency for Health Care Administration, uncompensated care in Florida's hospitals is growing at the rate of 12 to 13 percent per year, Medicaid caseloads grew almost 7 percent in the last fiscal year, and the costs of the Medicaid program continue to grow at an alarming rate, and

Whereas, because of the poor reimbursement rates offered to Florida's physicians due to the disparity created by the funding formula, many doctors have limited their provision of services for Medicaid patients and some have stopped treating Medicaid patients altogether, and

Whereas, this decline in the number of physicians who will treat Medicaid patients threatens the quality and availability of health care to impoverished Floridians: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate, thereby providing a more equitable distribution of Medicaid funds to the states and bringing the Medicaid program closer to compliance with its stated legislative goal; and be it

Further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for Mr. DASCHLE (for himself and Mr. JOHNSON)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself, Mr. HARKIN, and Mr. WARNER):

S. Con. Res. 109. A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. Con. Res. 110. A concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself and Mr. FEINGOLD):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 641

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1614

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1614, a bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1630, a bill to facilitate nationwide

availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1957

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2249

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2262

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2324

At the request of Mr. CHAMBLISS, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2324, a bill to extend the deadline on the use of technology standards for the passports of visa waiver participants.

S. 2336

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2336, 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.

S. 2363

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2406

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2406, a bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 103

At the request of Mr. WARNER, his name was added as a cosponsor of S. Con. Res. 103, a concurrent resolution honoring the contribution of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce legislation that will overturn a new regulation that is putting critical access hospitals (CAH) at risk by arbitrarily lowering the Medicare reimbursement for laboratory services. Sixty rural hospitals in Nebraska will be negatively impacted unless this legislation is reversed.

This legislation would repeal a Center for Medicare and Medicaid Services' (CMS) regulation that would prohibit critical access hospitals from being reimbursed at-cost for laboratory services, unless patients are ''physically present in a critical access hospital'' when laboratory specimens are collected. Many CAHs provide laboratory services in rural health clinics (RHCs) and nursing homes in smaller, neighboring communities, as well as in home-health settings; however, the elimination of cost-based reimbursements may make it prohibitive for them to continue offering off-site laboratory testing. In short, under the new regulation, lab services would not be reimbursed by CMS unless the patient is at the facility where testing will occur.

This change jeopardizes rural Americans' access to care by imposing an additional burden on the frail elderly by requiring them to visit the hospital to get simple lab tests done. The additional time and expense incurred by the patient is unnecessary if the CAH is willing and able to conduct tests at the point of patient care and transport it back to the hospital for analysis.

Congress created the CAH program in 1997 to ensure that those in isolated, rural communities have access to health care. To protect the viability of these hospitals, often a community's only source of vital health care services, Congress established cost-based reimbursement for Medicare inpatient and outpatient services—regardless of where the services are provided. The new regulation would fundamentally alter this well-established practice.

We have tried to work with CMS to change the rule. In November of 2003, I was joined by 28 Senators in a bipartisan letter to the Administrator of CMS asking for his assistance in constructing a rule that does not penalize CAHs for offering off-site laboratory services. Unfortunately, CMS responded that the rule would stay intact.

I am pleased to be joined in this effort by Senator SUSAN COLLINS. Senator COLLINS has been a strong advocate for rural health care, and I look forward to working together on this legislation.

The Nebraska critical access hospitals affected by the regulation are:

Harlan County Health System in Alma, Fillmore County Hospital in Geneva, Pawnee County Memorial Hospital in Pawnee City, Niobrara Valley Hospital Corporation in Lynch, Thayer County Health Services in Hebron, Kimball County Hospital in Kimball, Kearney County Health Services/Hospital in Minden, Saunders County Health Services in Wahoo, Henderson Health Care Services in

Henderson, Community Memorial Hospital in Syracuse, Garden County Hospital & Nursing Home in Oshkosh, Franklin County Memorial Hospital in Franklin, Genoa Community Hospital in Genoa.

Gothenburg Memorial Hospital in Gothenburg, Annie Jeffrey Memorial County Health Center in Osceola, Brodstone Memorial Nuckolls County Hospital in Superior, Webster County Community Hospital in Red Cloud, Tilden Community Hospital in Tilden, Morrill County Community Hospital in Bridgeport, Jefferson Community Health Center in Fairbury, Memorial Hospital in Aurora, Oakland Memorial Hospital in Oakland, St. Francis Memorial Hospital in West Point.

Alegent Health Memorial Hospital in Schuyler, Nemaha County Hospital in Auburn, Brown County Hospital in Ainsworth, Antelope Memorial Hospital in Neligh, Cozad Community Hospital in Cozad, Litzenberg Memorial County Hospital in Central City, Avera St. Anthony's Hospital in O'Neill, Warren Memorial Hospital in Friend, Creighton Area Health Services in Creighton, Butler County Health Care Center in David City, Rock County Hospital in Bassett, Boone County Health Center in Albion, Callaway District Hospital in Callaway, York General Hospital in York.

Howard County Community Hospital in St. Paul, Memorial Hospital CAH in Seward, Dundy County Hospital in Benkelman, Chadron Community Hospital Health Services in Chadron, St. Mary's Hospital in Nebraska City, West Holt Memorial Hospital in Atkinson, Cherry County Hospital in Valentine, Providence Medical Center in Wayne, Plainview Public Hospital in Plainview, Osmond General Hospital in Osmond, Tri Valley Health System in Cambridge, Pender Community Hospital in Pender.

Johnson County Hospital in Tecumseh, Chase County Community Hospital in Imperial, Community Medical Center in Falls City, Valley County Hospital in Ord, Crete Area Medical Center in Crete, Ogallala Community Hospital in Ogallala, Perkins County Health Services in Grant, Memorial Health Center in Sidney, Gordon Memorial Hospital District in Gordon, Memorial Community Hospital in Blair, Box Butte General Hospital in Alliance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, release from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

This past weekend, people around our country honored our military personnel by marking Armed Forces Day. That day was even more poignant this year as we recognize the service and sacrifice of the thousands of brave men and women who are currently in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority. Our brave veterans have earned these benefits, and VA outreach regarding health care and other benefits is especially important as we welcome home a new generation of veterans who are serving in Iraq and in the fight against terrorism. Our veterans and their families have made great personal sacrifices to protect our freedoms. We owe them a great debt of gratitude. Making sure that our veterans know about the benefits that they have earned is an important first step in starting to repay this debt.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

My bill, the Veterans Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

My bill will help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program (TAP/DTAP) and to the Benefits Delivery at Discharge program, by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and state departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs (VA) and Labor, provide pre-separation counseling for military personnel who are preparing to leave the service. This counseling provides service members with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My bill would ensure that members of demobilizing National Guard and Reserve personnel are able to participate in this important counseling prior to being demobilized. In addition, my bill would require state-based follow-up within 180 of demobilization to give demobilized personnel the opportunity to follow up on any questions or concerns that they may have during a regular unit training period. Currently, most of the responsibility for getting information about benefits and programs falls on the military personnel. The Department of Defense should make every effort to ensure that all members participate in this important program, and that is what my bill would do.

My bill would help to improve the uniformity of services provided to personnel by directing the Secretary of Defense to ensure that consistent Transition Assistance Program/Disabled Transition Assistance Program briefings occur across the services and at all demobilization/discharge locations and to ensure that there are programs that are directed to the specific needs of active duty and National Guard and Reserve personnel as appropriate. It also includes a provision to ensure that personnel who are on the temporary disability retired list and who are being retired or discharged

from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members by requiring that pre-separation counseling include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts.

In response to concerns I have heard from a number of my constituents, the bill also directs the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with state laws relating to the training and certification standards for corresponding civilian occupations.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor's transitional services employment will not be required if a member has previously participated in the program or if a member will be returning to school or to a job that he or she held before being called to active duty.

My bill would make similar improvements to the joint DoD-VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military, to cover all discharging military installations and military hospitals to ensure that all personnel with service-connected disabilities have the same opportunity to receive this important service. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

For example, since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don't know why so many veterans of that conflict are experiencing medical problems. Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf War in 1990 and 1991, more than 100,000 have suffered from an array of symptoms that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of this process is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

For these reasons, my bill would require that the Department of Defense abide by current law and provide post-demobilization physicals to all military personnel, and would prohibit any waiver of these physicals. I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced—or could experience—any health effects as a result of their service.

In light of concerns raised by many that each service and each installation uses a different process for demobilization physicals, my bill would require the Secretary of Defense to set minimum standards for these important medical examinations and to ensure that these standards are applied uniformly at all installations and by all branches of the Armed Forces.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health screening and assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. These men and women, many of whom are just out of high school or college when they sign up, may suffer long-term mental and physical fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify all stressors experienced by military personnel that have the potential to lead to PTSD. Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, either through DoD or through the VA, which is required in my bill.

My legislation also requires the Secretaries of Defense and Veterans Affairs to report to Congress on planning for identification, intervention, and treatment of personnel with PTSD and related conditions and for appropriate training of DoD, military, and VA personnel with respect to PTSD and related conditions.

My bill will also ensure that the DoD and the VA take appropriate actions to ensure that personnel receive appropriate follow-up care for any other physical or mental conditions that are found—or suspected to have been found—as a result of a post-deployment medical examination, including care and treatment at a DoD or VA facility and any other care, treatment, or services that are required.

In addition, in order to ensure that all military personnel who are eligible for medical benefits for the VA learn about and receive them, my bill requires that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

My bill also requires that the medical records of all separating service members be transmitted to the VA and that DoD and the VA conduct a study

on how to improve coordination and cooperation between the two Departments to support the provision of benefits to members and veterans, including: compatibility of health care filing systems, consistency of claims forms, consistency of medical examination forms, and creating shared electronic database with appropriate privacy protections.

My bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our service members with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a ''veteran to veteran'' counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who may be able to offer important advice about benefits and other choices that military personnel have to make.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my bill would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs are invited to participate in all TAP/DTAP and BDD programs. In addition, my bill requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, Mr. President, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

Finally, my bill would authorize the Secretary of Defense to create a program to help military personnel get college credit for applicable military training. The Wisconsin State Department of Veterans Affairs has such a program, called the Academic Credit for Military Experience (ACME) program. The National Veterans Training Institute cites ACME as a national model for helping veterans to obtain college credit for training that they received while in the military. Such a program would help our veterans to maximize their GI Bill benefits, to avoid taking classes that repeat their military training, and to earn their degrees that much faster.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion, the Enlisted Association of the National Guard of the United States; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs, the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2427

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 ''Veterans' Enhanced Transition Services Act of 2004''.

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

''§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs'';

(2) by striking ''(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—''; and

(3) by striking ''a member being medically separated or being retired under chapter 61 of this title'' and inserting ''each member who is entitled to counseling and other services under section 1142 of this title''.

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''shall provide for individual separation counseling'' and inserting ''shall provide individual separation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) Subsection (b)(4) of such section 1142 is amended by striking ''(4) Information concerning'' and inserting the following:

''(4) Provide information on civilian occupations and related assistance programs, including information about—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

''(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).''.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

''1142. Members separating from active duty: preseparation counseling.

''1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of

section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment previously held by such member; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.''.

(2) Subsection (a)(1) of such section is amended by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)''.

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 3. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Requirements applicable to all benefits delivery at discharge programs

''(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

''(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

''(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(b) PARTICIPATION OF MILITARY AND VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

''(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term 'benefits delivery at discharge programs' means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Requirements applicable to all benefits delivery at discharge programs.''.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

''(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

''(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

''(2) Assistance required to be provided a member under paragraph (1) includes the following:

''(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

''(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

''(ii) Any other care, treatment, and services.

''(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DOD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 3(a), is further amended by adding at the end the following new section:

''§ 1155. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

''(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

''(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of

the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

''(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.''.

(2) The table of sections at the beginning of such chapter, as amended by section 3(b), is amended by adding at the end the following new item:

''1155. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

''(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

''Veteran-to-veteran counseling.''.

SEC. 6. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 5(a), is further amended by adding at the end the following new section:

''§ 1156. College credit for training in the armed forces

''The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 5(a)(2), is amended by adding at the end the following new item:

''1156. College credit for training in the armed forces.''.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, REED, BINGAMAN, CLINTON, SARBANES, REID, AKAKA, JOHNSON, STABENOW, CORZINE, LAUTENBERG and DURBIN to introduce the ''Student Bill of Rights.'' This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America's promise of equal opportunity for all.

The Student Bill of Rights attempts to ensure that every American child has an equal opportunity to receive a good education—including, highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology—to all students in all schools in a State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts. And, this bill would help ensure that States comply with State or Federal court orders concerning the fairness of their public school systems.

Fifty years ago, Brown vs. Board of Education struck down segregation in law. Fifty years later, we know that just because there is no segregation in law does not mean that it does not persist in fact. Fifty years after Brown v. Board of Education, our education system remains largely separate and unequal.

All too often, whether an American child is taught by a high quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child's family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children. This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Of course, factors besides resources are also important to academic achievement—supportive parents, motivated peers, and positive role models in the community, just to name a few. But at the same time, we also know that adequate resources are vital to providing students with the opportunity to receive a solid education.

This bill does not represent a radical notion. Last Congress, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH offered in the other body and I offered here in the Senate. A radical notion is the idea that a country founded on the principle of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

When he signed the No Child Left Behind Act two years ago, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law's requirements. This year alone, the President's budget resolution underfunds the law by $9.4 billion. The President's budget also fails to fully funding the Federal Government's commitment to special education—leaving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our nation's most disadvantaged students in the neediest schools are forced to make do with far less than other students. The Federal Government needs to become a more equal partner in funding education.

States need to do more, too. At the federal level we have created programs to help ensure that students from low-income communities start school healthy and ready to learn and to succeed in school once they get there. Programs such as Head Start, the School Lunch Program, The Children's Health Insurance Program and Title I, all assist in meeting the needs of low-income kids from their very first days.

In the end, this bill is about the simple fact that the quality of a child's education should not be determined by their zip code. The Student Bill of Rights will help ensure that each and every child's school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

I urge my colleagues to join me in supporting the Student Bill of Rights, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2428

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 ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

Sec. 101. State public school systems.

Sec. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

Sec. 111. State accountability plan.
Sec. 112. Consequences of failure to meet requirements.

Subtitle C—Report to Congress and the Public

Sec. 121. Annual report on State public school systems.

Subtitle D—Remedy

Sec. 131. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

Sec. 201. Effects on economic growth and productivity.
Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Rulemaking.
Sec. 303. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

(9) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(10) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(13) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(14) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(15) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(16) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 111(a)(1)(A) to students

at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

Subtitle B—State Accountability

SEC. 111. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2001–2002 school year, each public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 111(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 111(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 111(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs.

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

Subtitle D—Remedy

SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner for Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National Research Council of the National Academy of Sciences, shall conduct a comprehensive

study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) STUDY.—The Commissioner for Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

By Mr. DURBIN (for Mr. DASCHLE (for himself and Mr. JOHNSON)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

S. 2429

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 ''Pactola Reservoir Reallocation Authorization Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 3. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 109—COMMENDING THE UNITED STATES INSTITUTE OF PEACE ON THE OCCASION OF ITS 20TH ANNIVERSARY AND RECOGNIZING THE INSTITUTE FOR ITS CONTRIBUTION TO INTERNATIONAL CONFLICT RESOLUTION

Mr. INOUYE (for himself, Mr. HARKIN, and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 109

Whereas the United States Institute of Peace (the Institute) was established by Congress in 1984 as an independent, nonpartisan Federal institution dedicated to the prevention, management, and peaceful resolution of international conflict;

Whereas the Institute fulfills its mandate from Congress through programs and projects that support peacemaking and the peaceful resolution of conflict abroad;

Whereas the Institute's broad congressional mandate has allowed the Institute to become a valued source of innovative ideas and practical policy analysis on peacemaking in zones of conflict around the world, thereby enhancing United States foreign policy;

Whereas the Institute is the result of long-term public interest and dedication from Senator Spark Matsunaga of Hawaii, Senator Jennings Randolph of West Virginia, Senator Mark Hatfield of Oregon, Senator Nancy Kassebaum of Kansas, Senator Claiborne Pell of Rhode Island, Representative Pat Williams of Montana, Representative Dante Fascell of Florida, Representative Dan Glickman of Kansas, Representative John Porter of Illinois, as well as Members of Congress today;

Whereas the Institute trains thousands of government officials, military and law enforcement personnel, humanitarian workers, and civic activists from the United States and abroad in the skills of professional peacemaking;

Whereas the Institute works to alleviate religious and ethnic strife through mediation, training programs, research, and opening of dialogue between and among religious factions;

Whereas the Institute promotes the development of the rule of law in post-conflict and transitional societies and provides assistance on constitution-drafting, judicial and police reform, law revision, and war crimes accountability;

Whereas the Institute examines the role of the media in international conflict including incitement and freedom of the press;

Whereas the Institute attracts new generations to the practice of peacemaking and has funded more than 150 graduate students as Peace Scholars specializing in the resolution and management of international conflict;

Whereas the Institute brings together practitioners and scholars from around the world as fellows in the distinguished Jennings Randolph Fellows Program to advance knowledge and to publish reports and books on topics related to the peaceful resolution of international conflict;

Whereas the Institute has trained hundreds of teachers and enhanced curricular materials related to international conflict, and has conducted educational seminars for thousands of educators at schools and universities around the country;

Whereas the Institute is strengthening curricula and instruction, from high school through graduate school, on the changing character of international conflict and nonviolent approaches to managing international disputes and has inspired the creation of dozens of courses and programs dedicated to these topics;

Whereas the Institute has made more than 1,500 grants totaling nearly $50,000,000 to individuals and nonprofit organizations in 48 States in support of educational, training, and research projects that have helped define and build the field of conflict prevention and conflict management in more than 64 foreign countries;

Whereas the Institute contributes to the advancement of conflict resolution education by awarding college scholarships to high school students through the annual National Peace Essay Contest, training and developing teaching guides for high school teachers, awarding grants to university students pursuing doctoral degrees in international conflict resolution, and awarding grants to universities and professors in the United States researching international conflict resolution;

Whereas the Institute works to bridge the divide with the Muslim world and facilitate cross cultural dialogue around the world, including in Russia and China;

Whereas the Institute's Balkans Initiative has made positive contributions to peacebuilding in that region including the facilitation of the Roundtable on Justice and Reconciliation in Bosnia and Herzegovina wherein key officials of the 3 ethnic groups—Croats, Serbs, and Muslims—came together to discuss war crimes;

Whereas the Institute has provided assistance to the Afghan judicial system by helping to locate, reproduce, translate, and distribute copies of Afghanistan's legal code, which was destroyed by the Taliban and facilitated discussions among the key institutions in the administration of criminal law and justice in Afghanistan;

Whereas the Institute assisted President Nelson Mandela with the development of South Africa's Truth and Reconciliation Commission that was instrumental in preventing post-apartheid bloodshed;

Whereas the Institute developed a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law, and assisted the Government of Rwanda in the implementation of the Law;

Whereas the Institute continues to work on the formation of a formal Israeli-Palestinian Joint Legal Committee to address legal issues and develop common approaches between the 2 different legal systems;

Whereas the Institute is committed to supporting religious coexistence and understanding in the Middle East, and elsewhere in the world;

Whereas the Institute has served as advisor and principal financial supporter of the Alexandria process, a group of prominent Muslim, Jewish, and Christian leaders from Israel, the Palestinian Authority, and Egypt, who in January 2002 produced the ''Alexandria Declaration'', a 7-point statement that calls, in the name of the 3 Abrahamic faiths, for the end to bloodshed in the Holy Land;

Whereas the Institute uses its convening power to bring together policymakers and experts on North Korea to discuss issues of security and proliferation on the Korean peninsula and develop policy recommendations;

Whereas the Institute is facilitating peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front—a Muslim insurgent group operating in the southern island of Mindanao;

Whereas the Institute is organizing programs in Iraq to strengthen the pillars of civil society and to contribute to stabilization and post-conflict peacebuilding, including training in conflict resolution for Iraqi security officials, orientation training for personnel from the United States, grantmaking to Iraqi organizations, collaboration with Iraqi universities, support for interethnic and interreligious dialogue, and assistance with rule of law issues; and

Whereas the Institute endeavors with the support of Congress in a public-private partnership to build a permanent headquarters on the National Mall as a working center on peace, education, training in conflict management skills, and the promotion of applied programs dedicated to resolution of international conflict: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of the founding of the United States Institute of Peace (the Institute) as a national and international resource for peaceful conflict management and looks forward to continuing to gain from its knowledge, teaching, and practical applications of conflict management as a way to promote United States security and peace in the world;

(2) recognizes that the Institute has become an important national resource for educational, training, and applied programs in the prevention, management, and resolution of international conflict;

(3) acknowledges the Institute's contribution to building the Nation's capabilities for the prevention, management, and resolution of international conflict and the advancement of peace and conflict resolution education;

(4) expresses appreciation to the founding men and women of the Institute and the support from the people of the United States;

(5) congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress; and

(6) directs the Secretary of the Senate to make available an enrolled copy of this resolution to the Institute.

Mr. INOUYE. Mr. President, I rise to submit a resolution with my colleagues, Senators HARKIN and WARNER, commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to our Nation's capacity to manage international conflict by peaceful means. Since its founding by Congress, the Institute has been a pioneer in promoting the study and application of non-military approaches to the prevention, management, and resolution of conflict.

The Congress established the Institute as an independent, nonpartisan Federal institution dedicated to strengthening our national capabilities for conflict management and resolution. The resolution we are submitting today recognizes the importance of the Institute as a national and international resource for peaceful conflict management. It stresses that Congress looks forward to continuing to gain from the Institute's knowledge, teaching, and practical applications of conflict management as a way to promote the security interests of the United States and peace around the world. The resolution also expresses appreciation to the founding men and women of the Institute and support for the Institute from the American people. Finally, the resolution congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress.

Many in the Senate recall the personal dedication and efforts of our predecessors, led by Senators Spark Matsunaga and William Jennings Randolph who played essential roles in establishing the Institute. While Senator Matsunaga's bravery on the battlefield led to our country's awarding him a Bronze Star and two Purple Hearts, he was also a man who knew the importance of peace. In 1979 he set in motion many of the critical events that eventually led Congress to create the U.S. Institute of Peace. Senator Matsunaga's unyielding commitment to peace began long before he arrived in this chamber. In 1938, as a student at the University of Hawaii, he wrote an essay that included the sentence: ''If we want peace we must educate people to want peace.''

The founders of the Institute and the countless Americans who supported elevating the importance of peace education in our national dialogue would be proud of the way the Institute has grown and adapted to the ever-changing world. Today, the Institute is a national resource for education, professional training, and applied programs in peaceful conflict management and the practical application of conflict management strategies as a way to promote United States security and peace in the world.

Some of the vital work currently being undertaken by the Institute of Peace includes helping countries break out of cycles of violence and peacefully resolve their conflicts. At the same time, the Institute is educating new generations of Americans about novel approaches to conflict management, and enhancing curricular materials related to the changing character of international conflict and nonviolent approaches to resolving international disputes. Over the past twenty years, the Institute has used its knowledge and expertise to train American and foreign government officials, military and law enforcement personnel, humanitarian aid workers, and civic activists in the skills of professional peacemaking. It has awarded numerous grants and fellowships to individuals, universities, and non-governmental organizations of many nations to deepen the field of conflict resolution education and ensure its application to conflict situations abroad.

In its twenty year history, the Institute has played key roles in facilitating the management of critical conflict situations, such as assisting then President Nelson Mandela in the development of South Africa's Truth and Reconciliation Commission, and developing a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law. More recently, the Institute has taken an active role in facilitating peace processes in Bosnia, Kosovo, Macedonia, Afghanistan, and the Philippines. The Institute is using its expertise in Iraq in specialized areas where conflict resolution programs play a key role in stabilizing peace and nation building, such as training new ministries about conflict resolution techniques, working with the emerging judicial system to develop a reconciliation tribunal for former war criminals and human rights violators, facilitating inter-religious and inter-ethnic dialogue, and working with Iraqi universities to promote peace and conflict education. The Institute is also anticipating new opportunities for peace and conflict resolution activities on the Korean peninsula and in Sudan. In the years to come, Congress will be looking to the Institute to focus its skills and resources on peacemaking in the greater Middle East and throughout the Muslim world.

The Institute is a unique national treasure. We hope that our fellow Senators will join us in cosponsoring this resolution and stressing the United States commitment to peace.

SENATE CONCURRENT RESOLUTION 110—EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE ONGOING WORK OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IN COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA, DISCRIMINATION, INTOLERANCE, AND RELATED VIOLENCE

Mr. CAMPBELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 110

Whereas anti-Semitism is a unique evil and an affront to human rights that must be unequivocally condemned, and a phenomenon that, when left unchecked, has led to violence against members of the Jewish community and Jewish institutions;

Whereas racism, xenophobia, and discrimination are also pernicious ills that erode the dignity of the individual and such intolerance undermines the achievement and preservation of stable democratic societies;

Whereas to be effective in combating these phenomena, governments must respond to related violence while seeking to address the underlying sources of anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence through public denouncements by elected leaders, vigorous law enforcement, and education;

Whereas all Organization for Security and Cooperation in Europe (OSCE) participating states must confront acts of anti-Semitism and intolerance, and must deal effectively with acts of violence against Jews and Jewish cultural sites, as well as against ethnic and religious minority groups, in keeping with their OSCE commitments;

Whereas education is critical in overcoming intolerance and it is essential that those responsible for formulating education policy recognize the importance of teaching about the Holocaust and intolerance as a tool to fight anti-Semitism, racism, xenophobia, and discrimination among young people;

Whereas ensuring proper training of law enforcement officers and military forces is vital in keeping alive the memory of the Holocaust and to the importance of understanding and responding to incidents of anti-Semitism and intolerance;

Whereas OSCE participating states have repeatedly committed to condemn anti-Semitism and intolerance, foremost in the historic 1990 Copenhagen Concluding Document that, for the first time, declared ''participating [s]tates clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone,'' and stated their intent to ''take effective measures . . . to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-Semitism'';

Whereas the OSCE Parliamentary Assembly has demonstrated leadership by unanimously passing resolutions at its annual sessions in 2002 and 2003 that condemn anti-Semitism, racial and ethnic hatred, xenophobia, and discrimination and call upon participating states to speak out against these acts and to ensure aggressive law enforcement by local and national authorities;

Whereas the 2002 Porto OSCE Ministerial Council Decision committed participating states to ''take strong public positions against . . . manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,'' specifically condemned the ''recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom,'' and urged for the ''convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia'';

Whereas the 2003 OSCE Vienna conferences on anti-Semitism and racism, xenophobia, and discrimination were groundbreaking, as the OSCE and its participating states met to discuss ways to combat these destructive forces;

Whereas the 2003 Maastricht Ministerial Council approved follow-up OSCE conferences on anti-Semitism and on racism, xenophobia and discrimination, and encouraged ''all participating [s]tates to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism,'' as well as to inform the OSCE Office of Democratic Institutions and Human Rights (ODIHR) ''about existing legislation regarding crimes fueled by intolerance and discrimination'';

Whereas at the 2004 OSCE Conference on Anti-Semitism, hosted in the German capital, the Bulgarian Chairman-in-Office issued the ''Berlin Declaration'' which stated unambiguously that ''international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism'';

Whereas the Berlin Declaration advances the process of monitoring of anti-Semitic crimes and hate crimes, as all OSCE participating states committed to ''collect and maintain'' statistics about these incidents and to forward that information to the ODIHR for compilation;

Whereas during the closing conference plenary, the German Foreign Minister and others highlighted the need to ensure all participating states follow through with their commitments and initiate efforts to track anti-Semitic crimes and hate crimes; and

Whereas the Government of Spain offered to hold a follow-up meeting in Cordoba in 2005 to review whether OSCE participating states are making every effort to fulfill their OSCE commitments regarding data collection on anti-Semitic crimes and hate crimes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Government and Congress should unequivocally condemn acts of anti-Semitism and intolerance whenever and wherever they occur;

(2) officials and elected leaders of all Organization for Security and Cooperation in Europe (OSCE) participating states, including all OSCE Mediterranean Partner for Cooperation countries, should also unequivocally condemn acts of anti-Semitism, racism, xenophobia, and discrimination whenever and wherever they occur;

(3) the participating states of the OSCE should be commended for supporting the Berlin Declaration and for working to bring increased attention to incidents of anti-Semitism and intolerance in the OSCE region;

(4) the United States Government, including Members of Congress, recognizing that the fundamental job of combating anti-Semitism and intolerance falls to governments, should work with other OSCE participating states and their parliaments to encourage the full compliance with OSCE commitments and, if necessary, urge the creation of legal mechanisms to combat and track acts of anti-Semitism and intolerance;

(5) all participating states, including the United States, should forward their respective laws and data on incidents of anti-Semitism and other hate crimes to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for compilation and provide adequate resources for the completion of its duties;

(6) the United States should encourage the Bulgarian Chairman-in-Office, in consultation with the incoming Slovenian Chairman-in-Office, to consider appointing a high level ''personal envoy'' to ensure sustained attention with respect to fulfilling OSCE commitments on the reporting of anti-Semitic crimes;

(7) the United States should urge OSCE participating states that have not already done so to join the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research; and

(8) all OSCE participating states should renew and revitalize efforts to implement their existing commitments to fight anti-Semitism and intolerance, and keep sharp focus on these issues as part of the usual work of the OSCE Permanent Council, the Human Dimension Implementation Review Meeting, the Ministerial Council and summits.

Mr. CAMPBELL. Mr. President, I rise today to submit a resolution supporting the ongoing important work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance and related violence. As Co-Chairman of the Helsinki Commission, I remain concerned over manifestations of anti-Semitism that prompted me to introduce S. Con. Res. 7, a bipartisan initiative that unanimously passed the Senate last May. That measure provided impetus to efforts to confront and combat anti-Semitic violence in the OSCE region, the subject of a May 2002 Helsinki Commission hearing.

The resolution I submit today is aimed at building upon these efforts. The OSCE and its participating States have done much to confront and combat the disease of anti-Semitism and intolerance, and I urge our government and all other OSCE countries to continue their efforts with vigor and determination. Much of what has been accomplished can be attributed to U.S. leadership, especially to the work of U.S. Ambassador to the OSCE, Stephan M. Minikes, and his team in Vienna.

Last month the OSCE convened an historic conference in Berlin focused on anti-Semitism and violence against Jews and Jewish institutions and tools to combat this age old problem. The U.S. delegation was represented at the highest level with the participation of Secretary of State Colin L. Powell. The conference brought together elected officials and NGOs from around the globe in common support of efforts to fight anti-Semitism.

The resolution I am submitting today follows up on several of the initiatives from Berlin. The conference was punctuated with the ''Berlin Declaration,'' a statement given by the Bulgarian Chairman-in-Office, Foreign Minister Solomon Passy, during the closing plenary session. In addition to declaring that ''international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism,'' the Declaration advanced efforts to monitor anti-Semitic crimes and hate crimes, as all OSCE participating States committed to ''collect and maintain'' statistics about these incidents and to forward that information to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) for compilation. The resolution urges all participating States to ensure these promises are fulfilled, and calls upon the Bulgarian Chairman-in-Office to designate a ''personal envoy'' to monitor compliance with these commitments.

The resolution also speaks to the importance of confronting instances of racism, discrimination and xenophobia wherever it occurs. It is important to note that in September, the OSCE will convene a meeting on these matters, the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination. This meeting is very important, as no OSCE participating State is immune from these evils.

As Co-Chairman of the Helsinki Commission, I have been impressed by the efforts of the OSCE and its participating States to address issues of anti-Semitism and intolerance. However, the time for words has passed, and I urge all OSCE countries, including the United States, to take real action. This resolution highlights several areas where steps can and should be taken. I urge bipartisan support and speedy passage of this measure.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED IN HONOR OF THE CENTENNIAL ANNIVERSARY OF ROTARY INTERNATIONAL AND ITS WORK TO ERADICATE POLIO

Mr. LUGAR (for himself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

Whereas Rotary International, founded on February 23, 1905, is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world;

Whereas approximately 1,200,000 Rotarians belong to more than 31,000 Rotary clubs located in 166 countries;

Whereas the Movement for Volunteer Community Service, initiated by Rotary, has been described as one of the major developments of the 20th century, and provides a formalized spirit of community voluntarism in the United States;

Whereas Rotarians are committed to the position that their efforts to provide educational opportunities and to meet basic human needs are essential steps to greater world understanding, goodwill, and peace;

Whereas Rotary's PolioPlus program to eradicate the dreaded disease of polio throughout the world has helped to vaccinate more than 2,000,000,000 children against the disease;

Whereas Rotary is the only nongovernmental organization working in partnership with the World Health Organization, UNICEF, and the Centers for Disease Control and Prevention to achieve the goal of the total eradication of polio by 2005;

Whereas the work of Rotary International in the eradication of polio is one of the finest humanitarian efforts by a nonprofit organization;

Whereas there are more than 7,500 Rotary clubs in the United States, with nearly 400,000 members, who voluntarily support thousands of humanitarian and educational projects to benefit our communities; and

Whereas Rotary International will celebrate its centennial anniversary in 2005: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued in honor of the centennial anniversary of Rotary International and its effort to eradicate polio;

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued; and

(3) the Rotary Clubs of the United States are to be commended for 100 years of volunteer service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, supra.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term ''person'' means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term ''United States person'' means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term ''is controlled'' means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the

termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 147, after line 21, insert the following:

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

''§ 1074b. Medical and dental care: cadets and midshipmen

''(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

''(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

''(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

''(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

''(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) meals during hospitalization.

''(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: cadets and midshipmen of the service academies.''.

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

''§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, after line 24, insert the following:

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4544. Army industrial facilities: public-private partnerships

''(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a 'public-private partnership'.

''(b) AUTHORIZED PARTNERSHIP ACTIVITIES.—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

''(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

''(2) The performance of—

''(A) work by a non-Army entity at the facility; or

''(B) work for a non-Army entity by the facility.

''(3) The sharing of work by the facility and one or more non-Army entities.

''(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

''(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

''(6) Any other cooperative effort by the facility and one or more non-Army entities that the Secretary of the Army determines appropriate, whether or not the effort is similar to an activity described in another paragraph of this subsection.

''(c) CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.—An activity described in subsection (b) may be carried out as a public-private partnership at an Army industrial facility only under the following conditions:

''(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

''(2) The activity does not interfere with performance of—

''(A) work by the facility for the Department of Defense; or

''(B) a military mission of the facility.

''(3) The activity meets one of the following objectives:

''(A) Maximize utilization of the capacity of the facility.

''(B) Reduction or elimination of the cost of ownership of the facility.

''(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

''(D) Preservation of skills or equipment related to a core competency of the facility.

''(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

''(A) in any case of willful misconduct or gross negligence; or

''(B) in the case of a claim by a purchaser or articles or services under this section that damages or injury arose from the failure of the Government to comply with quality or cost performance requirements in the contract to carry out the activity.

''(d) METHODS OF PUBLIC-PRIVATE PARTNERSHIPS.—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

''(1) provide a service or article without advertisement;

''(2) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

''(3) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

''(4) charge a partner, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

''(5) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities;

''(6) accept payment-in-kind; and

''(7) perform a reasonable amount of work in advance of receipt of payment.

''(e) DEPOSIT OF PROCEEDS.—The proceeds derived from sales of articles and services under this section shall be credited to the working-capital fund that incurs the costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, a reasonable portion of the proceeds (from sources other than appropriated funds) derived from the sale of articles or services under this section may be retained in a separate account of the applicable fund to be available for paying design costs, planning costs, procurement costs, promotional or marketing costs, and other costs associated with articles and services sold. Amounts retained in such separate account shall remain

available, without further appropriation, until expended. In addition, consideration for lease or facility use agreements may be accepted by the applicable fund of the facility concerned.

''(f) APPROVAL OF SALES.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

''(g) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that either—

''(1) the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required; or

''(2) a commercial source has requested the articles be made or the services be performed by the facility.

''(h) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

''(i) PROMOTION OF USE OF PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of the Army shall ensure that, in a solicitation for the award of a production or support contract for a major system, each person include in its offer a proposal to conduct a fair share, as determined by the Secretary, of the maintenance, repair, or sustainment work on the major system at an Army industrial facility pursuant to a public-private partnership established under this section.

''(j) RELATIONSHIP TO OTHER LAWS.—(1) Nothing in this section shall be construed to affect the application of—

''(A) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

''(B) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

''(2) Section 2304e of this title does not apply in the case of a transaction entered into under the authority of this section for an activity of a public-private partnership.

''(3) Section 1341 of title 31 does not apply in the case of a transaction entered into under subsection (d)(7).

''(k) DEFINITIONS.—In this section:

''(1) The term 'Army industrial facility' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

''(2) The term 'non-Army entity' includes the following:

''(A) An executive agency (other than the Department of the Army).

''(B) An entity in industry or commercial sales.

''(C) A State or political subdivision of a State.

''(D) An institution of higher education or vocational training institution.

''(3) The term 'incremental funding' means a series of partial payments that—

''(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

''(B) result in full payment being completed as the required work is being completed.

''(4) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4544. Army industrial facilities: public-private partnerships.''.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Military Families Leave Act of 2004''.

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be

supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—VETERANS' ENHANCED TRANSITION SERVICES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2004''.

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

''§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs'';

(2) by striking ''(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—''; and

(3) by striking ''a member being medically separated or being retired under chapter 61 of this title'' and inserting ''each member who is entitled to counseling and other services under section 1142 of this title''.

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''shall provide for individual separation counseling'' and inserting ''shall provide individual separation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) Subsection (b)(4) of such section 1142 is amended by striking ''(4) Information concerning'' and inserting the following:

''(4) Provide information on civilian occupations and related assistance programs, including information about—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

''(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).''.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

''1142. Members separating from active duty: preseparation counseling.

''1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment previously held by such member; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.''.

(2) Subsection (a)(1) of such section is amended by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)''.

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 1303. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Requirements applicable to all benefits delivery at discharge programs

''(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

''(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

''(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(b) PARTICIPATION OF MILITARY AND VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

''(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term 'benefits delivery at discharge programs' means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Requirements applicable to all benefits delivery at discharge programs.''.

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under

this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

''(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

''(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

''(2) Assistance required to be provided a member under paragraph (1) includes the following:

''(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

''(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

''(ii) Any other care, treatment, and services.

''(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DOD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 1303(a), is further amended by adding at the end the following new section:

''§ 1155. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

''(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

''(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

''(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.''.

(2) The table of sections at the beginning of such chapter, as amended by section 1303(b), is amended by adding at the end the following new item:

''1155. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

''(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

''1709. Veteran-to-veteran counseling.''.

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

''§ 1156. College credit for training in the armed forces

''The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

''1156. College credit for training in the armed forces.''.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President may issue posthumously a commission as major general, United States Army, in the name of the

late William ''Billy'' Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) PROHIBITION OF BENEFITS.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on May 19, 2004 in SH–216 at 10:30 a.m. The purpose of this meeting will be to mark up legislation to reauthorize child nutrition programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Monday, May 17, 2004 from 2 p.m–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Chistine Dodd, my staff member, be allowed the privilege of the floor.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Christopher Povak of Senator LIEBERMAN's staff during consideration of S. 2400.

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

Mr. WARNER. Mr. President, I ask unanimous consent that a member of Senator MCCAIN's staff, Mr. Frederick Latrash, be granted the privileges of the floor during consideration of S. 2400.

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

Mr. WARNER. Mr. President, I ask unanimous consent that Tranche Montague, from my staff, be granted the privileges of the floor during consideration of S. 2400.

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

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Chris Alexander be granted floor privileges during the consideration of S. 2400.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, as if in morning business, I would like to turn to the Executive Calendar.

I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar:

Calendar No. 692, the nomination of MG David H. Petraeus.

I further ask unanimous consent that the nomination 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 nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Petraeus, 0000

Mr. WARNER. Mr. President, for the benefit of all Members, I have known this fine officer for many years. He served a tour in Iraq with great distinction and returned. I think he then offered his services to go back over to help with the rebuilding of various sections of the Iraqi Army and offered other services to try to build up that nation's ability to defend itself internally as well as in many external affairs.

GENERAL PETRAEUS

• Mr. FRIST. Mr. President, I rise today to say a few words in support of my good friend, Major General David Petraeus. On May 4, the President nominated General Petraeus for appointment to the grade of lieutenant general and assignment as chief of the Office of Security Transition—Iraq.

As head of the Office of Security Transition, General Petraeus will be charged with demobilizing militias and organizing and training the Iraqi military, civil defense force, police, and protective services. His mission is a vital part of helping Iraqis come together as a nation.

General Petraeus embodies all the values of a true soldier serving his country. Leadership, bravery, duty, honor. Indeed, he is one of our most talented soldiers.

I first met General Petraeus in 1991, while I was serving as a heart surgeon at the Vanderbilt University Medical Center in Nashville. I got an afternoon call from the emergency room that a person with a gunshot wound was being rushed to the hospital. I knew the person had been shot in the chest and at close range with an M–16.

When General Petraeus arrived, he was bleeding faster than the blood could be replenished so I put in a chest tube and we headed to the operating room. On the way to the operating room, I remember explaining to him the risk of infection from the bullet. I didn't get more than halfway through my explanation before he responded with, ''Doctor, let's go get this over with; you need to tell me nothing more.''

Very few people would have been out of bed within 12 hours of surgery. But General Petraeus is a strong and determined man.

Anyone who has ever seen him with his soldiers can see his dedication and commitment to those he leads.

The record of the 101st Airborne and the leadership of General Petraeus speaks for itself.

Over a year ago, General Petraeus and the 101st Airborne Assault Division, along with the 160th SOAR and Fifth Special Operations Group, departed Fort Campbell for action in Iraq and to engage hostile forces in the War on Terror in Afghanistan. This past year the Screaming Eagles lived up to the division's motto of ''rendezvous with destiny.'' They endured untold hardships, confronted incredible obstacles, and completed their mission with astounding results.

They began with a grueling and dangerous trek north from Kuwait in which they liberated countless Iraqis. Arriving in Northern Iraq on April 22, 2003, the division conducted the longest air assault in history, and quickly assumed responsibility for the ancient city of Mosul and the security of its citizens. Within 2 weeks of arriving in Mosul, the division rebuilt Khazir Bridge and facilitated the first free election in Iraq since the rise of the oppressive Baathists, allowing local leaders to elect the city's new mayor and regional governor.

In late July, acting on the word of a number of Iraqi citizens, the 101st was successful in locating Uday and Qusay Hussein. These two brutal thugs, along with their father, were symbols of an oppressive, evil regime that millions of Iraqis were forced to endure for decades.

Having successfully contained much of the remaining threat, the Screaming Eagles wasted no time in distinguishing themselves not only as liberators, but as partners in Iraq's reinvention. General Petraeus acted as a civil administrator by overseeing projects restoring electricity and water services, replenishing the area's supply of cooking oil, digging new wells, refurbishing over 500 schools, and building new health clinics. All of these projects were major successes.

I commend General Petraeus for his service and devotion to our Nation. I greatly respect his leadership. I applaud the good work that the 101st has been able to accomplish for the Iraqi people and in the war on terrorism. I can think of no better individual to

take on this important and difficult duty. I urge my colleagues to approve General Petraeus' promotion to the rank of lieutenant general.●

LEGISLATIVE SESSION

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

MEASURE PLACED ON THE CALENDAR—H.R. 4275

Mr. WARNER. Mr. President, under rule XIV, I understand that H.R. 4275 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate, and for other purposes.

Mr. WARNER. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

NATIONAL SAFETY MONTH

Mr. WARNER. Mr. President, I turn to calendar 512, S. Res. 331, National Safety Month.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331) designating June 2004 as National Safety Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill appear in the appropriate place in the RECORD.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas the mission of the National Safety Council is to educate and influence society to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 91st anniversary in 2004 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was congressionally chartered in 1953, and is celebrating its 51st anniversary in 2004 as a congressionally chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution; and

Whereas the theme of ''National Safety Month'' for 2004 is ''Crash-Free June'', a national initiative intended to reduce motor vehicle crashes, which are the leading cause of injury death in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2004 as ''National Safety Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for the advances of the National Safety Council and its mission.

HONORING THE CONTRIBUTION OF WOMEN ON THE HOMEFRONT DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask consent that the Health, Education, Labor, and Pensions Committee, be discharged from further action on S. Con. Res. 103 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

The concurrent resolution (S. Con. Res. 103), honoring the contribution of the women, symbolized by ''Rosie the Riveter,'' who served on the home-front during World War II, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 103) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 103

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the ''Rosie the Riveter'' era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as ''Rosies'' during World War II.

Mr. WARNER. I ask unanimous consent that the Senator from Virginia be made a cosponsor of that resolution.

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

ORDERS FOR TUESDAY, MAY 18, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Tuesday, May 18; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate begin consideration of H.R. 3104, providing medals for our service men and women as provided under the previous order.

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

Mr. WARNER. I ask consent the Senate recess from 12:30 to 2:15 for the party luncheons.

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

PROGRAM

Mr. WARNER. Mr. President, tomorrow, following morning business, the Senate will begin consideration of the service medals legislation. Under the previous order, there will be a short period of debate prior to a vote on passage. If all time is used, that vote will occur at approximately 11:15 a.m. The vote on the service medals bill will be the first vote of the day.

The Senate will then resume consideration of the Department of Defense authorization bill. We are prepared to consider amendments and I encourage Senators to notify us of their intent to offer amendments so we can begin to schedule for their consideration. It is the leader's intention to complete action on this bill by the end of the week.

Following the party luncheons, the Senate is scheduled to proceed to a cloture vote on the nomination of Marcia Cooke to be a district judge for the Southern District of Florida. Discussions on the state of judicial nominations are ongoing, and it is possible we may not require this cloture vote.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, May 18, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 2004:

THE JUDICIARY

MICHAEL H. SCHNEIDER, SR., OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE JOHN H. HANNAH, JR., DECEASED.

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

INTER-AMERICAN FOUNDATION

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED.

JACK VAUGHN, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE PATRICIA HILL WILLIAMS, TERM EXPIRED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be assistant surgeon

DANIEL MOLINA
JAMES D. WARNER

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

SONGHAI BARCLIFT
ANTHONY DUNNIGAN
DAISY ENG
RICHARD HEDLUND
MITCHELL MATHIS
MATTHEW OLNES
TOBE PROPST
GREGORY WOITTE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

ALVIN ABRAMS
KELLY J. ACTON
ROBERT F. ANDA
JON K. ANDRUS
ROBERT J. BERRY
SUZANNE BINDER
EDWARD A. BRANN
RICHARD T. CALDWELL
VITO M. CASERTA
KENNETH G. CASTRO
ROBERT T. CHEN
THOMAS J. CREELMAN
JEFFREY A. CUTLER
DEAN F. EFFLER
DELORES A. ENDRES
RUTH A. ETZEL
MARIO E. FAJARDO
JOHN T. FRIEDRICH
HELENE D. GAYLE
THOMAS P. GROSS
DOUGLAS H. HAMILTON
HARRY W. HAVERKOS
BARBARA L. HERWALDT
SCOTT D. HOLMBERG
JOSEPH P. ISER
JOSEPH M. KACZMARCZYK
JONATHAN E. KAPLAN
CAROLYN V. LEE
SCOTT R. LILLIBRIDGE
NEIL J. MAKELA
THURMA MCCANN GOLDMAN
RICHARD J. MILLER
MELINDA MOORE
THOMAS R. NAVIN
RICHARD W. NISKA
STEPHEN M. OSTROFF
THOMAS A. PETERMAN
FRANK O. RICHARDS JR.
LAWRENCE D. ROBERTSON JR.
WILLIAM M. SAPPENFIELD
PAUL J. SELIGMAN
MARY K. SERDULA
PHILLIP L. SMITH
MICHAEL E. ST LOUIS
LOIS F. STEELE
RICHARD W. STEKETEE
ROBERT V. TAUXE
HUGH K. TYSON
WILLIAM C. VANDERWAGEN
DONNA L. VOGEL
RONALD J. WALDMAN
JOHN W. WARD
JAY D. WENGER
SCOTT F. WETTERHALL
STEFAN Z. WIKTOR
ALLEN J. WILCOX
LYNNE S. WILCOX
RAY YIP

To be senior surgeon

STEVEN B. AUERBACH
MARGARET C. BASH
RALPH T. BRYAN
JAY C. BUTLER
GEOFFREY M. CALVERT
RICHARD J. CALVERT
GRANT L. CAMPBELL
ARTURO H. CASTRO
DONALD W. CLARK
GEORGE A. CONWAY
ROBERT L. DANNER JR.
MARK E. DELOWERY
LUIS G. ESCOBEDO
ARTHUR J. FRENCH III
AURELIO GALATI
STEVEN K. GALSON
MARTA L. GWINN
DAVID M. HARLAN
GEORGE H. HAYS JR.
RICHARD L. HAYS
CLARE HELMINIAK
BRADLEY S. HERSH
PAUL J. HIGGINS
NOREEN A. HYNES
KATHLEEN L. IRWIN
WILLIAM J. KASSLER
VIRGINIA B. KOPELMAN
SANDRA L. KWEDER
EVE M. LACKRITZ
WILLIAM C. LEVINE
JAMES A. LEWIS
RONALD LIEBERMAN
BORIS D. LUSHNIAK
FRANK J. MAHONEY
WILLIAM J. MARX JR.
ELAINE MILLER
JOHN S. MORAN
PHUC NGUYEN-DINH
MANETTE T. MALACANE NIU
ELIZABETH ORTIZ-RIOS
BRADLEY A. PERKINS
ROGER D. PROCK
ROBERT E. QUICK III
STEPHEN J. RITH-NAJARIAN
EVELYN M. RODRIGUEZ
LISA S. ROSENBLUM
ANNE SCHUCHAT
STEVEN G. SCOTT
DONALD J. SHARP
SAM S. SHEKAR
MITCHELL SINGAL
LAURENCE M. SLUTSKER
DANIEL M. SOSIN
THOMAS K. STEMPEL
DAVID L. SWERDLOW
JORDAN W. TAPPERO
JACK A. TAYLOR
JUDITH THIERRY
THOMAS J. WALSH
WALTER W. WILLIAMS
JESSIE S. WING

To be surgeon

H. ALAN ARBUCKLE
SUSAN BLANK
KIM C. BROWNELL
D. W. CHEN
SCOTT F. DOWELL
ROSEMARIE HIRSCH
SARAH R. LINDE-FEUCHT
KAREN L. PARKO
MARY C. PORVAZNIK
STEVEN G. SCOTT
KENNETH SOWINSKI
STEVE J. TIERNEY

To be senior assistant surgeon

WILLIAM H. DUNN JR.
DIANA L. DUNNIGAN
DAVID R. GAHN
JOHN M. HARDIN
TANIA A. HURLBUTT
DOROTHY A. JENSEN
PAUL D. MAHER
MARIE A. RUSSELL
JOHN W. VANDERHOOF
JULIA C. WATKINS

To be dental director

VICTOR R. ALOS
MICHAEL J. ALPERT
WILLIAM D. BAILEY
BARBARA B. BEACH
ROBERT A. BEST
STEVEN M. BOE
FRED E. COY III
ALAN R. DEUBNER
M. ANN DRUM
WILLIAM E. EVANS
MICHAEL R. FOUNTAIN
RICHARD T. HIGHAM
BENJAMIN F. HOWARD
JAMES J. JAN
JAN T. JOSEPHSON
GARY J. KAPLOWITZ
JAMES M. LOGAN
MICHAEL L. MARK
RAY M. MCCULLOUGH
GENE J. MCELHINNEY
MARIAN P. MEHEGAN
ROBERT J. MORK
MARK E. NEHRING
STEVEN R. NEWMAN
MIGUEL RICO
JOHN L.M. ROBINSON
RAUL A. ROMAGUERA
ROBERT H. SELWITZ
JAMES E. SHEATS
SANDRA L. SHIRE
JEANINE R. TUCKER
BARRY H. WATERMAN
CLIFFORD D. WHITE
RICHARD H. WHITE
RUSSELL C. WILLIAMS JR.

To be senior dental surgeon

JEROME B. ALFORD
WILLIAM E. ATWOOD
RONALD E. BAJUSCAK
STEVEN J. BAUNE
THOMAS L. BERMEL
MITCHEL J. BERNSTEIN
SAMUEL L. BUNDRANT
APRIL C. BUTTS
ROBERT A. CABANAS
WILLIAM L. CANADA
ROGER L. CHO
DAVID L. CLEMENS
MICHAEL E. CRUTCHER
SCOTT K. DUBOIS
JEROME S. HOLBROOK
NORMAN W. JAMES
RODNEY F. KIRK
RAYMOND F. LALA
MARGARET L. LAMY
LAWRENCE B. LANE

JAMES E. LEONARD
TIMOTHY L. LOZON
NICHOLAS S. MAKRIDES
DAVID M. MCCOLLOUGH
STEVE J. MESCHER
LYNN G. PRICE
THOMAS A. REESE
JOSEPH P. ROSE JR.
RICHARD G. SCHRAGE
LEE S. SHACKELFORD
LARRY D. SHAPIRO
DARLENE A. SORRELL
SAUNDERS P. STEIMAN
ADELE M. UPCHURCH
MARK J. VANELLS
WALTON L. VANHOOSE
WILLIAM D. WOOD
JOHN T. ZIMMER

To be dental surgeon

THOMAS B. BREWER
ANITA L. BRIGHT
KATHERINE T. COTTON
GLEN A. EISENHUTH
STEVEN A. JOHNSON
RONALD D. SHEPHERD II

To be nurse director

MELISSA M. ADAMS
MICHAEL B. ANDERSON
BRUCE C. BAGGETT
MARTINA P. CALLAGHAN
MARTHA J. COURY
JANICE A. DRASS
SUSAN L. FIFER
KATHLEEN E. HASTINGS
NORMA J. HATOT
GALE L. HEAVNER
ROBERTA A. HOLDER-MOSLEY
MARY D. HUTTON
NANCY E. MILLER-KORTH
STEVEN E. NESSELER
DEBORAH L. PARHAM
MERIBETH M. REED
CRISTIN O. RODRIGUEZ
CAROL A. ROMANO
ANDREW C. STEVERMER
JOHN J. TUSKAN JR.
CHARLES R. VANANDEN III
KATHLEEN L. WALKER

To be senior nurse officer

MARY C. AOYAMA
FAY E. BAIER
WERNER H. BECKERHOFF JR.
LINDA S. BROPHY
MICHAEL D. BROWN
SHARLENE L. BRYANT
JOANN G. BURTON
JANICE M. CARICO
MARY CHAMBERS
MICHAEL W. CHANEY
BETTY L. CHERN-HUGHES
GAYLE N. CLARK
CLARA HENDERSON COBB
MARY P. COUIG
PETER L. CUEVA
DAVID A. FORSYTHE
DAVID P. FREETH
RUSSELL L. GREEN
KAREN D. HENCH
BYRON N. HOMER JR.
KIRK L. HOPINKA
BARBARA L. HSU-TRAWINSKI
ELLEN J. KING
ANN R. KNEBEL
KATHLEEN M. KOBUS
ARMANDO S. LEDESMA
CAROL L. LINDSEY
ROY C. LOPEZ
KITTY R. MACFARLANE
RUSS P. METLER
HELEN L. MYERS
MELVA V. OWENS
NANETTE H. PEPPER
BONITA S. PYLER
CAROLYN K. RILEY
DEBORAH C. ROMERO
CHERYL A. SEAMAN
NADINE M. SIMONS
CYNTHIA G. WARK
HARLEN D. WHITLING
ELLEN E. WOLF

To be nurse officer

VICTORIA L. ANDERSON
MARY L. ARNOLD
DOLORES J. ATKINSON
DEBORAH K. BURKYBILE
SANDRA A. CHATFIELD
MARY L. CLIFT
JOHN M. FRAMSTAD
BUCKY M. FROST
JOAN F. HUNTER
BRADLEY J. HUSBERG
LENORA B. JONES
LANCE L. POIRIER
TERRY L. PORTER
PRISCILLA J. POWERS
MARY F. ROSSI-COAJOU
SYLVIA TRENT-ADAMS
PAUL R. VARNEY
THERESA B. WADE

To be senior assistant nurse officer

DEBRA D. AYNES
AKILAH K. GREEN
MICHAEL J. LACKEY
JUDY L. PEARCE

To be engineer director

STEPHEN S. AOYAMA
GERALD V. BABIGIAN
CURTIS C. BOSSERT
DANIEL J. CARPENTER
KEVIN S. CHADWICK
JOSEPH C. COCALIS
JOHN T. COLLINS
THOMAS H. COOLIDGE
JOSE F. CUZME
JAMES A. DINOVO
ROBERT M. HAYES
WILLIAM A. HEITBRINK
WILLIAM B. KNIGHT
GARY A. MCFARLAND
RICHARD D. MELTON
DOUGLAS C. OTT
SVEN E. RODENBECK
CARL E. SULLENGER JR.
RODNEY VYFF
MARVIN WEBER
RANDY N. WILLARD
ROBERT C. WILLIAMS
KIM A. YALE

To be senior engineer officer

TIMOTHY G. AMSTUTZ
ROBERT E. BIDDLE
EZIO E. BORCHINI
THOMAS A. BURNS
RANDY J. CORRELL
KENNETH J. FISHER
STEVEN J. FORTHUN
KENNITH O. GREEN
DANIEL L. HEINTZMAN
DONALD J. HUTSON
PAUL A. JENSEN
CRAIG W. LARSON
KENNETH D. LINCH
KENNETH F. MARTINEZ
JEFFREY B. MASHBURN
DAVID I. MCDONNELL
ROBERT B. MCVICKER
RONALD L. MICKELSEN
RUSSEL D. PEDERSON
GEORGE D. PRINGLE JR.
JOHN P. RIEGEL
STEVEN H. RUBIN
ROGER G. SLAPE
GREGORY A. STEVENS
GEORGE W. STYER
RICHARD W. THAYER
KELLY R. TITENSOR
FRED E. WISEMAN JR.

To be engineer officer

SAMIE NIVER ALLEN
MATTHEW N. DIXON
GARY S. EARNEST
CHERYL FAIRFIELD ESTILL
RANDALL J. GARDNER
BRADLEY K. HARRIS
JAMES H. LUDINGTON
KENNETH R. MEAD
DANIEL D. REITZ
PAUL G. ROBINSON
ANTHONY T. ZIMMER

To be senior assistant engineer officer

MICHAEL S. COENE
NATHAN C. TATUM

To be scientist director

DAVID L. ASHLEY
ALEJO BORRERO-HERNANDE
LESLIE P. BOSS
WILLIAM G. BROGDON
DONALD H. BURR
SUSANNE M. CAVINESS
GREGORY M. CHRISTENSON
SUSAN M. CONRATH
ANN M. HARDY
GEORGE B. JONES
ALAN C. SCHROEDER
JOHN M. SPAULDING
CHING-LONG J. SUN
CHUNG-YUI B. TAI
ARMEN H. THOUMAIAN
RICHARD W. TRUMAN

To be senior scientist

MARY E. BIRCH
DEBRA G. DEBORD
LEMYRA M. DEBRUYN
JOHN A. ELLIOTT
MICHELE R. EVANS
ANNE T. FIDLER
BARRY S. FIELDS
G. SHAY FOUT
ANGELA M. GONZALEZ
DAVID HUSSONG
MAHENDRA H. KOTHARY
ROBERT W. LINKINS
WILLIAM G. LOTZ
JACQUELINE M. MULLER
CARL A. OHATA
MARK L. PARIS
ROGER R. ROSA
JOHN M. RUSSO
GLENN D. TODD
MILDRED M. WILLIAMS-JOHNSON

To be scientist

BRUCE H. GRANT
WILLIAM J. MURPHY
RICHARD P. TROIANO

To be sanitarian director

RANDY E. GRINNELL
JOHN J. HANLEY
RICHARD W. HARTLE
GREGORY M. HECK
GARY P. NOONAN
JON S. PEABODY
PAUL D. PRYOR
CHARLES D. STANLEY
JOHN A. STEWARD
RALPH T. TROUT

To be senior sanitarian

STEVEN M. BREITHAUPT
RICHARD W. DURRETT
RICHIE K. GRINNELL
CHARLES L. HIGGINS
BRUCE W. HILLS
BRENDA J. HOLMAN
KATHY L. MORRING
DAVID H. PEDERSEN
DOUGLAS C. PICKUP
CARL T. RYBAK
ALAN R. SCHROEDER
CRAIG A. SHEPHERD
JAMES S. SPAHR
PETER P. WALLIS

To be sanitarian

ERIC J. ESSWEIN
DEBRA M. FLAGG
MICHAEL P. KEIFFER
DIANA M. KUKLINSKI
JOE L. MALONEY
SUSAN D. MCCRACKEN
DAVID H. MCMAHON
DAVID M. MOSIER
DANIEL C. STRAUSBAUGH
KELLY M. TAYLOR

To be veterinary director

ROBERT J. CAROLAN
MARGUERITE PAPPAIOANOU
CYNTHIA L. POND
LINDA R. TOLLEFSON

To be senior veterinary officer

RICHARD F. CULLISON
JUDITH A. DAVIS
RONALD B. LANDY
DOUGLAS D. SHARPNACK
WILLIAM S. STOKES
AXEL V. WOLFF

To be veterinary officer

KRISTINE M. BISGARD
TRACEY C. BOURKE

To be pharmacist director

ELAINE G.E. ABRAHAM
RUSSELL E. ALGER
TIMOTHY W. AMES
JANET L. ANDERSON
JOHN T. BABB
ANTHONY J. BROOKS
JAMES P. COBB
PATRICK O. COX
ROGER D. EASTEP
BEVERLY J. FRIEDMAN
ROGER A. GOETSCH
ARDEN H. HANSON
PAUL L. HEPP
WILLIAM A. HESS
TRUMAN M. HORN
PAUL F. JAROSINSKI
ALLAN S. JIO
MAX LAGER
KEVIN M. LEMIEUX
RICHARD S. LIPOV
JON A. MCARTHUR
THOMAS J. MCGINNIS
YANA R. MILLE
JUSTINA A. MOLZON
THOMAS H. PEREZ
NICHOLAS P. PROVOST
DONOVAN J. SAUTER
CATHIE L. SCHUMAKER
LELAND R. STERN
GREGORY D. THOMAS
PAUL D. THOMAS
JAMES M. THOMPSON
THERESA A. TOIGO
CHARLES A. TRIMMER
NORMAN J. TURNER
DENNIS J. VETTESE
JEANNETTE Y. WICK
STEPHEN W. WICKIZER

To be senior pharmacist

RODNEY M. BAUER
GARY W. BLAIR
MICHAEL F. BRECKINRIDGE
RANDY W. BURDEN
GEORGE B. CARPENTER
MARK L. DEMONTIGNY
DARYL A. DEWOSKIN
JOHN A. ELTERMANN JR.
THOMAS J. FISCHBACH

PAUL D. GAILARD
CAROL E. GOODIN
MARIE B. GREENWOOD
JAMES R. HUNTER
ANTHONY R. KUYPER
ALVIN J. LEE
MICHAEL E. MARCARELLI
L. GLENN MASSIMILLA
JAMES C. MCCAIN
SHEILA M. OKEEFE
RICHARD R. POTTER
DANIEL P. RILEY
WILLIAM M. SINGLETON JR.
JAMES P. STABLES
JAMES P. STUMPFF
JOSLYN R. SWANN
TIMOTHY P. UTKE
CHARLES C. WATSON
JAMES W. WILSON III
CATHY PIERCE ZEHRUNG

To be pharmacist

ROBERT D. BRADY JR.
JOHN M. COLEMAN
WESLEY G. COX
DOUGLAS P. HEROLD
GRADY H. JAMES JR.
VALERIE E. JENSEN
NANCY E. LAWRENCE
JILL D. MAYES
SHARON J. MCCOY
PAUL J. NA
SHARON L. OESTEREICH
ROBERT G. PRATT
KURT M. RILEY
DONNA A. SHRINER
MATTHEW J. TAROSKY
LISA L. TONREY
JEFFREY W. WALLING
TRAVIS E. WATTS

To be senior assistant pharmacist

DAVID A. BATES
JAMES E. BRITTON JR.
STEVEN DITTERT
ELIZABETH A.D. GIRARD
DANA L. HALL
SHARON L. OESTEREICH
ERIC J. POLCZYNSKI

To be dietitian director

SHIRLEY BLAKELY
SANDRA D. ROBINSON
JANET M. TAYLOR

To be senior dietitian

KAREN M. BACHMAN-CARTER
TAMMY L. BROWN
LAURA A. MCNALLY
MIRANDA S. YANG-OSHIDA

To be dietitian

SILVIA BENINCASO
JULI M. HAWS
YOUNG S. SONG

To be therapist director

CHARLES L. MCGARVEY
MARIE A. SCHROEDER
THOMAS J. STOLUSKY

To be senior therapist

DOMINICK C. ARETINO
MARK W. DARDIS
MICHAEL P. FLYZIK
JOHN T. HURLEY
FRANCES M. OAKLEY
REBECCA A. PARKS

To be therapist

NANCY J. BALASH
BART E. DRINKARD
JESSIE WHITEHURST LIEF
JAMES W. STANDISH

To be senior assistant therapist

GRANT N. MEAD

To be health services director

ANNA J. ALBERT
TERRY L. BOLEN
PATRICIA E. BROOKS
HAMILTON L. BROWN
STEPHANIE D. BRYN
GUY E. BURROUGHS JR.
THOMAS F. CARRATO
ROBERT J. CARSON
VIVIAN T. CHEN
RAYMOND L. CLARK
CAROL A. COLEY
ROCHELLE E. CURTIS
ROBERT I. DAVIDSON
MICHAEL L. DAVIS
RONNIE L. DAVIS
CAROL A. DELANY
JEAN D. DOONG
JOHN D. DUPRE
JOHN M. GARBER
JAMES W. GARVIE
JESSE L. GLIDEWELL
TERENCE M. GRADY
NANCY A. HAZLETON
ELLEN M. HUTCHINS
KENT E. JAFFE
THOMAS M. JAKUB
GREG J. KULLMAN
DEBRA Y. LEWIS
HECTOR LOPEZ
ARNULFO MANANGAN
VON NAKAYAMA
MARTIN A. OBERLY
MARY S. PASTEL
CAROL REST-MINCBERG
JERRY L. SHERER
STEPHEN A. SOUZA
EDWIN S. SPIRER
WENDELL E. WAINWRIGHT
NANCY A. WILLIAMS

To be senior health services officer

VAL J. ALLEN
RONDA A. BALHAM
REGINA A. BRONSON
CHARLES J. BRYANT
NORMAN CAVANAUGH
RUST D. COREY
ELEANOR A. CROCKER
PETER A. DEMONTE JR.
MICHELE M. DOODY
EPIFANIO ELIZONDO
CLIFFORD D. EVANS
JOHN D. FUGATE JR.
JANET E. JOHNSON-LECLAIR
LAWRENCE E. KUCKEN
CHERYL A. LAPOINTE
STEVEN A. LEE
VIRGINIA M. MAHADY
ANN G. MAHONY
LLEWELLYN H. MASON JR.
LAWRENCE F. MAZZUCKELLI
LAWRENCE C. MCMURTRY
JAMES C. PORTT
JAMES M. RUCK
THOMAS R. TAHSUDA
ALBERT R. TALLANT
ROBERT G. TONSBERG
RICHARD C. VAUSE JR.
RICHARD C. WHITMIRE
WILHELMINA WILSON

To be health services officer

BRADLEY L. AUSTIN
CAROL E. AUTEN
JOSE H. BELARDO
PAMELA G. CONRAD
MICHAEL J. FLOOD
STEVE GURSKI III
MARK S. HOSS
R. ANDREW HUNT
RICHARD R. KAUFFMAN
DOREEN M. MELLING
NANCY A. NICHOLS
LARRY E. RICHARDSON

To be senior assistant health services officer

MONTA A. BREEDEN
ARIEL E. VIDALES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BRUCE A. CARLSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. WOOLEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BENJAMIN S. GRIFFIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. AMOS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HENRY P. OSMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES M. ZORTMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES G. STAVRIDIS, 0000

CONFIRMATION

Executive nomination confirmed by the Senate May 17, 2004:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. PETRAEUS

EXTENSIONS OF REMARKS

RECOGNIZING STACY RASTAUSKAS FOR HER WORK IN THE HOUSE REPUBLICAN CLOAKROOM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. HASTERT. Mr. Speaker, all too often, the hard work of House staff goes unnoticed. Members of Congress thank their legislative staff when their bills pass the House, but rarely do they thank the people who make the House Floor run on a day to day basis. So today I rise to recognize someone who deserves the thanks of this entire institution: Stacy Rastauskas, the outgoing Assistant Floor Chief of the House Republican Cloakroom.

For 2 two years, Stacy has helped to run the House Floor from her desk in the Republican Cloakroom. She has been a source of invaluable information to all Members, a trusted colleague to countless House staff, and a mentor to our House pages. It is impossible to visit the Cloakroom without being on the receiving end of one of her brilliant smiles. In short, Stacy made the Cloakroom feel like home to us all.

Soon Stacy will be leaving to open a Washington office for Ohio State University. I cannot possibly thank her enough for the dedicated hours she spent as Assistant Floor Chief. It is with a heavy heart that we say goodbye and good luck. The Republican Cloakroom won't be the same without her.

A TRIBUTE TO JOSSIE B. LAWSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Jossie B. Lawson in recognition of her commitment to public service through her work in the Brooklyn District Attorney's Office and dedication to her community through volunteer efforts in her church.

Jossie B. Lawson was born in Brooklyn, New York on December 6, 1954. She is the proud mother of two talented daughters, Sareve C. Lawson and Alia H. Akili. Jossie is the product of the New York City public school system. After graduating from Performing Arts High School, she attended Hunter College. Her most recent academic achievement was the completion of the prestigious EEO Complaint Handling program at the Cornell University, School of Industrial and Labor Relations in 2001.

Shortly after receiving her certification in Paralegal Studies from Long Island University, Jossie was hired as a paralegal by the Brooklyn District Attorney's Office in 1983. She was later promoted to Administrative Manager in 1990, and again to her current position of EEO Coordinator by the current District Attorney Charles "Joe" Hynes in 1998. She is also responsible for facilitating the College Internship program in the agency and has represented the District Attorney's Office on the Board of Women's Advisors for the City of New York.

As a young adult, Jossie began working with the youth of her congregation, Zion Baptist Church where Dr. M. M. Peace is the pastor. She is a gifted singer and serves as a worship leader in her church. Her strong commitment to personal mentoring and use of her considerable skills as a life coach, has earned her the love and respect of many.

Jossie has given her time and support to countless individuals across the years. Her ability to motivate and encourage people coupled with her gift of helping others discover and nurture the gifts within themselves is why she is frequently invited to participate in workshops and motivational sessions. Jossie is a woman who will push you to excellence, pray you toward success and pull you with the strength of her belief in your potential. Many have been blessed by her guidance. She is truly a woman who makes a difference.

Mr. Speaker, Jossie B. Lawson has dedicated her life to her community through both her professional and her personal activities. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A MEMORIAL TRIBUTE TO THE LIFE OF RAMON J. REEVEY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker:

Whereas, Congresswoman JUANITA MILLENDER-McDONALD recognizes the extraordinary spirit of this man, who after becoming a paraplegic went on to accomplish what others would consider impossible. He had started his career with the Federal government when tragedy struck in a car accident. But he was not deterred and as a paraplegic, he worked hard and received his Baccalaureate degree from Long Beach State University. He went on to receive his Master's degree in Hospital Administration from the University of California at Los Angeles; and

Whereas, Ramon J. Reevey distinguished himself to veterans and hospital administrations nationwide by demonstrating total commitment to the Department of Veterans Affairs. He understood the problems of patients in the Veterans hospitals. His empathy allowed him to manage the resources of the hospital to better provide needed care. His caring and positive attitude is reflected in his motto: "If you have happy employees, you have happy patients"; and

Whereas, Ramon J. Reevey throughout his career accomplished many goals, with the crown jewel of his career being the hosting of the 23rd National Veterans Wheelchair Games in July 2003, while heading up the VA Long Beach Healthcare System. He was also a competitive participant in the Games; and

Now therefore, be it resolved, that the dedication of this man to the welfare of the lives of our community is much appreciated.

TRIBUTE TO DR. MICHAEL LEMAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. BACA. Mr. Speaker, I rise to pay tribute to Dr. Michael Lemay, who is retiring from the California State University San Bernardino after 12 dedicated years of service to the university. Dr. Lemay is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing pride in his work throughout the last dozen years.

Dr. Lemay has devoted his life to helping students through his chosen profession in education. His kindness and passionate spirit make him an incredible resource to the university and beloved community member.

For the past 12 years, Dr. Lemay has dedicated himself to Cal State San Bernardino, serving as Associate Dean, Assistant Dean, Department Chair, Academic Advisor, and Professor. In these capacities, he has been an integral contributor to the management and administration of the school, as well as a participant in developing the young minds of the future.

Through his participation in countless activities and committees, Dr. Lemay has exhibited kindness, love, humility, and a deep resolve to ameliorate all aspects of university life, so it is only appropriate that we thank him today. He has received the highest evaluation of his profession for integrity and performance, and has taken a proactive approach to leadership at Cal State San Bernardino.

I join today with family in friends in congratulating him for his 12 years of service. He is a symbol of all that is good in his profession and an inspiration to all that know him.

And so, Mr. Speaker, we salute Dr. Michael Lemay. We express admiration in his career and hope that others may recognize his good works in the community.

A TRIBUTE TO DR. HE-HON LAO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. He-Hon Lao in recognition of her contribution to the field of medicine and her special

role in helping to standardize the field of acupuncture in America.

Dr. Lao is a physician in Chinese medicine, a senior Acupuncturist and Herbalist, and the Founder and Director of New York Oriental HealthCare Center in Brooklyn. As a graduate of Shandong University of Medicine in 1968, she received her post-graduate training with herbal master Huang Siang-Zhou and acupuncture professor Jin Rui. She also served as Chief physician at the Red Cross Hospital under the Department of Complementary Medicine in Canton, China. While working at the Red Cross Hospital, she was one of the first physicians in China at that time to use Acupuncture and Chinese medicine in clinical research.

Inspired by the lack of standardization and regulation of the acupuncture profession, Dr. Lao joined the New York State Department of Education in January 1991 where she established a comprehensive educational requirement for licensing and code of ethics. She believes a profession without proper and rigorous training is not a profession. In addition, Dr. Lao set standards in the clinical experience of acupuncture with an emphasis on professional competency. In fact, the comprehensive practice of acupuncture today is a direct result of her advocacy.

As a physician, Dr. Lao has over 35 years experience of clinical practice and teaching in Acupuncture and Oriental Medicine. She has a long list of published works and is also a frequent lecturer on holistic medicine. Most of her lectures and seminars are professional development oriented for other doctors and healthcare professionals.

Currently, Dr. Lao works at Woodhull Hospital as a supervisory acupuncturist where she treats several thousand patients every year. She is in charge of supervising the acupuncture detoxification program which is an integral part of the treatment for chemically dependent patients. She finds her job very rewarding, especially when she sees a converted drug addict go to the podium and receive a graduation certificate from her hands. She has a similar impact on many other people's lives, and that is why she loves her job.

Mr. Speaker, Dr. He-Hon Lao has dedicated her life to easing patients' pain through the practice and development of acupuncture. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A MEMORIAL TRIBUTE TO THE LIFE OF FRANCIS OLIVER ARNOLD

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker: Whereas, Congresswoman JUANITA MILLENDER-McDONALD recognizes the fine work of this man, who was born and raised in the city of Los Angeles, attended David Starr Jordan High School; became an entrepreneur starting and operating his own trucking company, while serving as an employee of the City of Los Angeles; later co-owning and operating Moe's Liquor Store in Compton successfully for nearly 20 years. He enjoyed listening to Jazz and traveling whenever possible. His loving wife, Evelyn, and his family will always cherish his love and devotion.

Now therefore, be it resolved, that the dedication of this man in enriching the lives of our community is much appreciated.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 2004

Mr. BACA. Mr. Speaker, I rise in opposition of H.R. 4281 and the association health plans it creates.

This bill does nothing to help uninsured Americans, hurts those who enroll in the plans and will even cause healthcare costs to go up.

There are 44 million Americans who are uninsured in this country and this bill will not even help one percent of them. Not one percent!

A Congressional Budget Office study showed that only 360,000 uninsured Americans would join AHP's. There has to be a better way to help 44 million uninsured Americans.

What is just as bad is that AHP's will use loopholes to get around state health regulations. This will leave consumers who enroll in these plans without needed safeguards.

If an AHP denies someone a cancer treatment or diabetic supplies that person may not have the right to appeal the decision. Their health will suffer and they will be left with no options.

AHP's will enroll only the healthiest Americans. This will leave those other Americans, the ones who are sick and the ones who take prescription drugs, with fewer options.

According to the Congressional Budget Office up to 20 million Americans will face higher healthcare costs. 20 million!

Health insurers will give breaks to the AHP's and charge other consumers more.

These higher healthcare costs could cause up to 10,000 Americans to become uninsured.

There is a better way to help small businesses and the uninsured.

That is why I support the Democratic substitute to the AHP bill.

The substitute will provide small businesses and their employees with affordable quality health insurance. The plan is even similar to what the federal government offers its employees.

The substitute will protect patients by making sure the insurers are overseen by the states.

And finally this substitute will not raise the price of healthcare.

H.R. 4281 will not help small businesses or their employees.

By voting for the substitute we will help these businesses. We will help their employees and we will help all Americans have access to and afford health insurance.

TRIBUTE TO JULIE SPENCER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to recognize one of my constituents, Julie Spencer, of Baraboo, Wisconsin. Julie was the fastest U.S. female in the 108th Boston Marathon. She finished 16th in a time of 2:56:39, her personal best. The Boston Marathon is a competitive international race, and it is an honor to recognize Julie Spencer for her great athletic achievement.

The Boston Marathon ranks only behind the Super Bowl as the largest single day sporting event in the world. Approximately 500,000 spectators line the streets of the 26.2 mile course. In this year's historic Boston Marathon the elite women runners started before the elite men runners for the first time in marathon history, giving Julie a truly unique Boston Marathon experience.

In addition to being a dedicated runner, Julie is a teacher at East Elementary School in Baraboo, Wisconsin. She uses her running expertise to help coach Baraboo High School's cross country team and track teams. By coaching, she shares and passes on her passion to the high school teams.

Obviously, it is an impressive feat to accomplish the 26.2 mile Boston Marathon on the fifth hottest day in the race's 108 year history, but to be the top female U.S finisher is worth the praise of all. It is my esteemed pleasure to contribute to the recognition of Julie Spencer's first place finish for the United States.

Mr. Speaker, Julie's friends and family have been quoted as saying, ''We're so proud.'' I know Wisconsinites and runners across the world share this message and join me in recognizing her today.

TRIBUTE TO BONNIE GAINER

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SANDERS. Mr. Speaker, I want to recognize today a woman who is, at one and the same time, exceptional and representative. Bonnie Gainer has served with great dedication as director of the Rutland County Women's Network. Originally the Battered Women's Shelter, this organization has been a mainstay for women who seek counsel, help, and often a safe haven, from abusive relationships.

Bonnie Gainer is exceptional in both the depth of her commitment to women in need, and her ability to organize both staff and community so that those women can find the support and assistance that they all too often desperately require. But in another sense, she is representative: all across Rutland, all across Vermont, all across this nation, women respond and have been responding to the inhospitable condition in which too many of their sisters live.

Physical and mental abuse is, tragically, widespread in America. It is not limited to women, of course, but with Greater frequency than most can imagine wives, girlfriends and daughters find themselves trapped in difficult

and dangerous relationships. It is both a point of pride—in the good work they do—and despair—that the number is so large—that I report that the Women's Network has sheltered women in Rutland for 1087 bed-nights in the past three months alone.

For a decade and a half Bonnie Gainer has led the effort to provide a haven and an alternative to women who are abused. She has been a bulwark in the community, a truly essential resource for hundreds and hundreds of women. She is a remarkable woman, and I salute her, and the many, many other women who support each other in times of desperate need.

H. CON. RES. 398: EXPRESSING THE CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF THE MEANS TO PRODUCE NUCLEAR WEAPONS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this ill-conceived and ill-timed legislation. Let's not fool ourselves: this concurrent resolution leads us down the road to war against Iran. It creates a precedent for future escalation, as did similar legislation endorsing ''regime change'' in Iraq back in 1998.

I find it incomprehensible that as the failure of our Iraq policy becomes more evident—even to its most determined advocates—we here are approving the same kind of policy toward Iran. With Iraq becoming more of a problem daily, the solution as envisioned by this legislation is to look for yet another fight. And we should not fool ourselves: this legislation sets the stage for direct conflict with Iran. The resolution ''calls upon all State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons . . .'' Note the phrase ''use all appropriate means.''

Additionally, this legislation calls for yet more and stricter sanctions on Iran, including a demand that other countries also impose sanctions on Iran. As we know, sanctions are unmistakably a move toward war, particularly when, as in this legislation, a demand is made that the other nations of the world similarly isolate and blockade the country. Those who wish for a regime change in Iran should especially reject sanctions—just look at how our Cuba policy has allowed Fidel Castro to maintain his hold on power for decades. Sanctions do not hurt political leaders, as we know most recently from our sanctions against Iraq, but rather sow misery among the poorest and most vulnerable segments of society. Dictators do not go hungry when sanctions are imposed.

It is somewhat ironic that vie are again meddling in Iranian affairs. Students of history will recall that the U.S. government's ill-advised coup against Iranian leader Mohammed Mossadegh in 1953 and its subsequent installation of the Shah as the supreme ruler led to intense hatred of the United States and eventually to the radical Islamic revolution of 1979. One can only wonder what our relations would be with Iran if not for the decades of meddling in that country's internal affairs. We likely would not be considering resolutions such as this. Yet the solution to all the difficulties created by our meddling foreign policy always seems to be yet more meddling. Will Congress ever learn?

I urge my colleagues to reject this move toward war with Iran, to reject the failed policies of regime-change and nation-building, and to return to the wise and consistent policy of non-interventionism in the affairs of other sovereign nations.

SESQUICENTENNIAL OF THE SAUK CITY FIRE DEPARTMENT

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the Sesquicentennial of the Sauk City Fire Department. On May 23, the Sauk City Fire Department will celebrate its 150 years of service to community in a festival at the Saint Aloysius Church.

Sauk City was founded in 1854 as Wisconsin's first incorporated village. That same year a Sauk City merchant, J.J. Heller, had a small wooden fire engine built to protect his store from fire. Mr. Heller organized a meeting seeking assistance with the labor-intensive fire engine, making Sauk City home to Wisconsin's oldest volunteer fire department and oldest standing fire station.

During the 19th century, there was a great need for organized and responsive fire departments due to the fire prone stoves, lamps, and chimneys of that era. Furthermore, the business districts, composed of crowded rows of wooden buildings, were constantly at risk for a rapidly spreading fire. Sauk City was a pioneer for this region in stopping these devastating fires.

This is a wonderful success story about a community coming together to fill a need. In 1859, the fire department had a new locally made fire wagon. In order to raise money to purchase a bigger fire engine, the town and its several breweries organized a festival. The outpouring of support was so impressive at the first festival that it became a boisterous event. As the community grew and the technology advanced, the Sauk City Fire Department kept pace with new stations and fire engines. Today, the thirty-eight volunteer professional firefighters of the Sauk City Fire Department serve a 170 square mile area in south central Wisconsin.

While the sheer length of the Sauk City Fire Department's service to the community is worthy of praise, it boasts several other impressive qualities. The Sauk City Fire Department has done a remarkable job of restoring two of its locally manufactured fire engines from 1924 and 1928. It was also first fire department to use the two-toned Decot siren, which was created by Sauk City Fire Chief Ted Decot and became a nationwide commercial success.

Mr. Speaker, I join Fire Chief Michael Fehrenbach and all the residents of Sauk City in celebrating the Sauk City Fire Department's 150 years of service to the community.

HONORING THE LIFE OF ALAN ALBERTUS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of a true American. Alan Albertus was a man that served his country in the U.S. Air Force, as well as his community as an engineer. He was an outdoorsman who had few peers, respecting the land God had blessed us with while enjoying the challenges of Colorado's Rocky Mountains.

Alan gave much of his time to defending our constitutional right to bear arms, and often instructed young families on firearms safety, reloading, and firearms ballistics. He was active in politics—he organized rallies, celebrated the Bill of Rights, and was a delegate to conventions. Alan believed the best legacy he could leave to America was that of freedom, and he worked hard to preserve that freedom.

Most importantly, Alan Albertus served his family and his Lord and Savior, Jesus Christ. He will be missed.

A TRIBUTE TO MONICA GILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Monica Gill, in recognition of her dedication to children and young adults as a teacher and social worker, as well as her accomplishments in the business world.

Monica is not afraid of anything that comes before her other than God as she has always had obstacles in her life that she had to overcome. Losing her mother at the early age of 13 set the precedent for a difficult road ahead. She attended the Spence School—High School, University of Nebraska—Omaha, University of Missouri, Kansas City and Hunter College Graduate School of Social Work. Monica earned a BA in Journalism/International Studies, a M.S. in Urban Studies and 24 credits toward her Masters in Social Work, respectively. While obtaining her college degrees, she had three children: Joan, and twins, Imani and N'Namdi. At the same time, she would also work one or sometimes two jobs.

She began her career as a photographer/public relations assistant at Warner Communications. Next she went to Europe, where she assisted Air Force personnel with their college achievements in Europe. Monica returned to the states where she worked with the college administration preparing the paths for college graduates to successfully gain employment for one of the Fortune 500 companies. She would work one job during the day around her classes and on weekends, she worked with Cox Cable of Omaha in the production and programming department.

In 1983, she received a scholarship from the National Association of Black Journalists for an essay she wrote regarding the life of Malcolm X. That same year she received a broadcaster's award from KMTV–TV Omaha and an internship from KETV–TV as a weekend reporter. She moved to Kansas City and

became an in-house writer for the Federal Reserve Bank District 10. Afterward, she worked for the Kansas City Conventions and Visitors Bureau and the Kansas City Globe (an African-American Daily). Her journalism and broadcasting career was booming, until the twins helped her change careers and she became a Language Arts Teacher for four years. The frustration of teaching children who were dirty and hungry led her to become a social worker and work to improve the lives of youth. After working as a social worker for more than 10 years, she realized her specialty was working with adolescents from 16–23 years old. She assisted over 200 youth to obtain housing, GEDs, employment and vocational training to better their lives. Finding services and advocating for the youth was a God-given vocation for her, which Monica had to recently give up due to surgical complications.

Monica is currently a real estate sales associate for Coldwell Banker-Five Star Realty and serves on the Bedford Stuyvesant Real Estate Board. She is on the Advisory Board for Building Blocks Child Care Center, Board Advisor for the NYS Office of Children and Family Services—Pyramid Reception Center, Bronx, and a consultant for the Caribbean Carnival Bands and Activities. Monica also attends Christian Cultural Center, which is pastored by the Rev. A.R. Bernard.

Mr. Speaker, Monica Gill has significantly improved her community through her work as a teacher, social worker, and now as an advisor to advocacy organizations. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PRESENTING A TRIBUTE TO THE LIFE OF WILLIE PEARL ESTERS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker:

Whereas, Willie Pearl Esters was born on April 22, 1915, in Scottsville, Louisiana, she was the third child of Charlie and Lucille Graham; and was affectionately called ''Pearl''. She spent her early life in Bossier City and Shreveport, Louisiana where she attended public schools; and

Whereas, Willie Pearl Esters accepted Jesus Christ at an early age and was baptized at the Bright Star Baptist Church in Scottsville, Louisiana. She met and married Herman T. Walker and to that union two daughters were born, Maxine W. and Joyce Ann Walker; and

Whereas, Willie Pearl Esters, in 1936 moved with her family to Los Angeles, California where she united with Bethlehem Baptist Church, later she joined New Hope Baptist Church where she taught Sunday School and was a member of Choir #2, and the Mission; and

Whereas, Willie Pearl Esters, in 1949 met the man who was to be her life-long spouse, Everson Boyd Esters, and after a brief courtship they were married and from this union was born a son Everson B. (Chuck) Esters; and

Whereas, Willie Pearl Esters was always looking out for the welfare of her children and left no stone unturned to expose them to the beauty of the arts, culture and the world of music. She would not settle for what was common, but she gave them her best in the hope that they would comprehend and excel. She surrounded them with a loving home and a rich family environment; and

Whereas, Willie Pearl Esters, with her family in God's hands, caught the fire of the holy spirit and followed her husband into the ministry. She grew a large circle of love by serving the needy and encouraging others to challenge what they weren't sure they could do. As a result, she developed a number of leaders and singers in the church, she expanded her circle and achieved State and national recognition for her voluminous work in service to others; and

Whereas, Willie Pearl Esters, after lengthy illness passed on, leaving us to humbly acknowledge the living legacy of her love of her husband, Everson B. Esters, her children, Maxine Swan, Joyce Walker and Chuck Esters and other relatives and friends. She will be missed in the lives of all those she has touched, and . . .

Now, therefore, be it Resolved, That Congresswoman JUANITA MILLENDER-MCDONALD proudly recognizes this woman of faith, leadership, dedication, courage, persistence and wisdom and her distinguished service to her church and our community.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE (HEALTH) ACT OF 2004

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2004

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 4280. This bill gives us the wrong solution to a complex problem.

The bill will limit the rights of patients, it will harm low-income Americans and it will do nothing to lower the cost of health insurance.

This bill proposes to cap non-economic damages at $250,000. That is fine if a victim of poor medical care is a business executive, because they will receive economic damages as compensation. But what happens to the minimum wage worker or the stay-at-home mom? They rely on non-economic damages to receive adequate compensation.

This bill shows that the life of a wealthy American is worth more than that of a new immigrant working in a restaurant or a stay-at-home mother who raises her children.

We're all searching for a way to lower the cost of health insurance for all Americans. But this bill won't help. The Congressional Budget Office found that this bill won't do anything to help bring down the costs of health insurance.

Even if the cost of malpractice insurance goes down, those savings will not be passed along to Americans who try to purchase health insurance. They will still face the high cost of health insurance without any help.

This bill does not help patients and it does not help Americans. The Republicans have given us a bill that does nothing to solve the real problems with our healthcare system.

I oppose this bill because it does nothing to lower healthcare costs. And it does nothing to protect patients' rights.

TRIBUTE TO STATE REPRESENTATIVE DALE SHELTROWN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. STUPAK. Mr. Speaker, I rise today to honor the career of an extraordinary public servant and community leader, State Representative Dale Sheltrown. Dale is currently serving his third and final term representing the 103rd District of the Michigan House, which includes Roscommon, Missaukee, Iosco and Ogemaw Counties. Dale's record of leadership in public office, business and his community stands as a shining example of a citizen legislator.

Dale Sheltrown was born on Election Day, November 5th, 1940, foretelling a lifelong commitment to public service and political leadership. His father, Ed Sheltrown, served for 35 years as Township Supervisor, and two of his five siblings are also elected officials.

Dale has been a lifelong resident of Ogemaw County, and after earning a Bachelor's of Science degree in Agriculture from Michigan State University, he began his successful business career. From 1965 to 1974, Dale owned and operated his own dairy and beef farm. From 1974 to 1976, he was a sales manager at the John Deere dealership in West Branch, Michigan. Since 1976, Dale has been a partner with Century 21 Horizon Realty in West Branch.

Dale recognized long ago the importance of giving back to the community that had been so good to him. He was elected to serve on the Ogemaw County Board of Commissioners from 1974 to 1982 and from 1988 to 1998. From 1986 to 1988, he was the Township Supervisor and Assessor in Edwards Township, Ogemaw County, Michigan. Dale's dedication and leadership has also been recognized by his appointment to the Michigan State Commission on Aging from 1980 to 1990.

On November 3rd, 1998, Dale was elected to his first term in the Michigan House of Representatives. In the years since, he has served with distinction on the Agriculture and Resource Management Committee, the Outdoor Recreation and Conservation Committee, and the Agriculture Appropriations Subcommittee. Dale has spearheaded efforts in the Michigan House to control the Bovine Tuberculosis epidemic that has hurt so many farmers in Northeast Lower Michigan. He has also been a leader in the State's program to award high school diplomas to veterans of World War II and the Korean War.

Dale Sheltrown's exceptional life of public service and community leadership provides ample reason for this recognition, but Dale's commitment to his family is one of the things I respect most about him. Dale and his wife Lori have four grown children and four beautiful grandchildren that he never misses an opportunity to talk about. It is clear to me that whatever else Dale might be doing in his life, his family always comes first.

Mr. Speaker, Dale Sheltrown's commitment to his family, his community and the State of Michigan serves as an example to all of us, and I ask the House to join me in honoring him.

A TRIBUTE TO JASMINE EDWARDS, ESQ.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Jasmine Edwards in recognition of her commitment to serving families in need of assistance.

Born to Guyanese immigrants, Jasmine is a member of the first generation in her family to be born in the United States of America. Her mother emigrated to the U.S. as a registered nurse and later became a New York City school teacher. Her father, a former probation officer supervisor emigrated to the U.S. to attend the University of Connecticut. She recently became the seventh member in her family to become an attorney.

Jasmine is admitted to practice law in New York State and the United States District Courts. She is a member of the Association of Black Women Attorneys, Brooklyn Bar Association and the New York State Bar Association. She is also a licensed real estate broker and an instructor at the New York Paralegal School. Her law firm of Edwards & Greenidge is based in Bedford Stuyvesant, Brooklyn. Jasmine and her partner, both Guyanese-Americans, are committed to serving those in the community who desperately need legal advice.

After graduating from Temple University, she worked as a social worker. Jasmine provided services to families that had been accused of child abuse and/or neglect. Her goal was to assist parents in implementing alternative parenting skills. During her tenure at CUNY School of Law, Jasmine accepted an internship at the prestigious Federal Defenders Association of Philadelphia in the Habeas Corpus Unit. The objective of the Habeas Corpus Unit was to convince the appellate courts that certain convicted criminals should not be executed. While working as a researcher that summer, Jasmine discovered that over 80 percent of the persons on death row shared the same painful experiences when they were younger as those abused and neglected children, who were part of families that she once counseled as a social worker.

These experiences coupled with her desire to assist others inspired her to establish a law office in a neighborhood where many people are underserved. Jasmine's goal is to provide outstanding legal representation that is proactive as well as reactive.

Mr. Speaker, Jasmine Edwards has dedicated her life to helping those in need, as a social worker for abused and neglected children and now as an attorney for the underserved residents of Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO THE SPRUCE CREEK ROD AND GUN CLUB

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to extend my sincere congratulations to the Spruce Creek Rod and Gun Club for reaching its 100th anniversary.

Since 1904, the Spruce Creek Rod and Gun Club has never lost sight of its original purpose: to preserve Spruce Creek as a fishery. While maintaining its honorable traditions of conservation, the club in Huntingdon County has conquered numerous obstacles and received high acclaim for its perseverance.

Throughout the past century, the club has undergone a complete restoration, upon conclusion of which the building was placed on the National Registry of Historic Places in 1991. With the extraordinary vision of its past leaders, the club has been able to merge the old with the new by upholding its age-old traditions while improving the services available to members.

Due to its reputation for excellence, Spruce Creek has attracted such renowned leaders as Presidents Dwight D. Eisenhower and Jimmy Carter, Senator John Heinz, Vice President DICK CHENEY, and former Pennsylvania Governor Tom Ridge, to name a few.

The success of the club over the past one hundred years is a testament to the integrity with which the institution has been run. I would like to congratulate the Spruce Creek Rod and Gun Club on its 100th Anniversary. Thank you for upholding Pennsylvania's tradition of distinguished service to its citizens.

EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 2004

Mr. MORAN. Mr. Speaker, I rise today to recognize the 50th anniversary of the landmark Supreme Court decision in Brown versus the Topeka Board of Education.

In 1951, a door closed on Linda Brown when she was denied admission to an all-white public school in Topeka, Kansas. But on this day in 1954, a door opened for our nation. The Brown decision was the culmination of many desegregation cases. Previous court decisions had ruled that "separate but equal" was a valid policy.

By ruling in favor of Linda Brown, the Supreme Court helped America finally open its eyes and see that segregation is, in fact, wrong and does, in fact, perpetuate inequality. Through the plight of young Linda, a mere third-grader, Americans came to understand that separate is never equal.

While in law school, I was privileged to study under Paul Wilson. Earlier in his life. as a humor Kansas assistant attorney general, Professor Wilson was assigned to defend the Topeka Board of Education. He never suspected that he would end up arguing before the Supreme Court.

I would like to take a moment and pay tribute to Professor Wilson. His role in the Brown decision was a difficult one. He knew that segregation was wrong, but he was charged with the duty of defending the Topeka Board of Education. During his time at the University of Kansas, Professor Wilson wrote about the Brown decision and his recollections of that time period. In the classroom, he told my fellow students and me about his trip to Washington, D.C., and about being admitted to the Supreme Court bar. He said to us, "The decision issued in 1954 caused me, caused America, to realize that to argue the policy of separate but equal was to defend the indefensible." Professor Wilson's words, and the tales of experiences, have stayed with me.

We must never lose sight of the importance of Brown versus the Topeka Board of Education. This decision has set a higher standard for our schools and for our nation. Even today, disparities exist among groups of students, and we must continue working to ensure that all students are learning what they need to learn, and are receiving the kind of high-quality education they deserve.

As the father of two daughters, one in middle school and one in high school, I am thankful for the change that the Brown decision brought to the American education system and to our society. I am thankful that my daughters attend school in a country where all children are considered equal.

Our public schools today are rich in diversity because of the hard work of the NAACP, and the willingness of Linda Brown and her family to stand up for what is right. Because of the Brown decision, we are better able to foster understanding, tolerance, and morality in our young people.

I am proud to have been a part of establishing the Brown vs. Topeka 50th Anniversary Commission in 2001. Since its inception, the Commission has been preparing for this anniversary. Commission members have traveled all over the country, visiting the cities whose desegregation cases set the stage for Brown's success. The Commission has also encouraged many activities across the nation related to the anniversary, including an essay contest, a film and discussion series, and traveling museum exhibits.

I want to thank everyone who worked to make this anniversary so memorable and so historic. Cheryl Brown Henderson, daughter of the late Oliver Brown, has worked tirelessly, not only for this anniversary, but also for educational equity everywhere. As cofounder of the Brown Foundation for Educational Equity, Excellence and Research, Mrs. Brown Henderson has helped establish a living tribute to the plaintiffs and attorneys involved in the Brown case.

Today, President Bush visited Kansas for the first time. The President spoke this morning in Topeka at the dedication of the National Park Service's $11.3 million historic site in the Monroe School, the former all-black school that Linda Brown attended before the 1954 Supreme Court ruling. I want to thank President Bush and the city of Topeka for helping to make this anniversary worthy of the event it commemorates.

We cannot forget that our work is not yet done. We have celebrated and remembered, but we must do more. We must recommit ourselves to the philosophy behind the Brown decision—to the elimination of bias and the changing of society for the better. We must continue working to provide equal opportunities for all. We must make a fresh commitment to this Nation's children.

Colleagues, I trust we can be of one voice tonight. Let us join together in our celebration

of the 50th anniversary of the Brown decision and in our renewed commitment to our children.

A TRIBUTE TO SANDRA DOCTOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Sandra Doctor in recognition of her long-standing commitment and work for her immediate community, New York City and the State of New York.

Sandra is a woman of faith, hope and strength. A spiritual person, she is hard-working and cares deeply for her family and her fellow man. She tries to make a difference in the lives of others. She also has a passion for the arts, modern and praise dancing, and music. Sandra loves to read books as well.

Sandra was born and raised in Brooklyn, New York. She is the eldest daughter of Roy Lee and Mildred Miller. She has been a member of St. Paul Community Baptist Church for over 31 years and has served on the young adult usher board and now works with the Jewel Collective Women's Ministry.

Sandra attended Bay Ridge High School in Brooklyn and went on to pursue a Bachelors of Science degree in Business Management from the State University of New York College at Old Westbury in May 1986. After graduating from college she worked for the New York City Board of Education as a Purchasing Assistant. Two years later, she took a position with the NYC Human Resources Administration, Adult Protective Services, and has been there for the last 16 years. She has held many positions including Field Caseworker, Intake Caseworker, Unit Supervisor, Assistant to the Director, and is currently the Community Outreach Coordinator. Sandra is the liaison between APS and community based organizations, the Office of Health and Mental Health, the NYS Office of Fair Hearings and NYS Office of Mental Retardation and Developmental Disabilities.

She also worked weekends for two years at Clinton Housing Development Corp. as a counselor and front desk security. CHDC is a SRO that provides housing and social services to mentally ill, elderly and previously homeless adults. Currently Sandra attends Hunter College School of Social Work Management Development Program.

Sandra serves on many advisory boards; Manhattan Geriatric Committee, New York County Taskforce on Elder Abuse, Elder Mistreatment Committee, Living Alone Needing Care (LINC), and Mentally Ill Chemically and Alcohol Dependent (MICA).

She has been a member of the Women's Caucus for Congressman Ed Towns since 1998. She is also a member of the Rainbow PUSH Coalition, the Mayor's Taskforce and HRA Crisis and Disaster Team, where she has volunteered for the last five years. Sandra has received awards for the 911 Tragedy and the Citywide Y2K Operation. She has received emergency training through HRA Crisis and Disaster team and the American Red Cross.

Mr. Speaker, Sandra Doctor has dedicated her life to her community and her church through both her professional and personal life. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PASTOR REVEREND MINGO HONORED BY THE CHRIST TEMPLE BAPTIST CHURCH FOR 13 YEARS OF EXTRAORDINARY SERVICE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Pastor Peterson Mingo, a friend and distinguished community leader, who celebrates his 13th Pastoral Anniversary this month with the Christ Temple Baptist Church located in the Evanston neighborhood of Cincinnati, Ohio.

Pastor Mingo was honored on Friday, May 14th for his distinguished service to Christ Temple Baptist Church and for his tireless efforts to improve the lives of young people in the Evanston neighborhood and throughout the entire inner city.

Pastor Mingo has dedicated his life to community service by fostering relationships and building partnerships throughout the city. Pastor Mingo founded the Evanston Youth Association, the Inner City Rites of Passage Program and the Evanston Bulldogs Youth Football team. He still manages to work with the Cincinnati Youth Street Worker Program during the day, and has a full time job at night.

For the past several years, I have had the honor of serving with Pastor Mingo on the board for a Coalition for a Drug-Free Greater Cincinnati. I am continually inspired by his dedication and commitment to providing drug free environments and healthy alternatives for our young people. Pastor Mingo also serves on the recruitment committee for the Life Center, and serves on the board of the Cincinnati Cooperative Church League.

Pastor Mingo is also dedicated to his family. He is the loving father to 11 children—eights sons and three daughters—and is a devoted husband to his wife, Regina.

All of us in Cincinnati thank Pastor Mingo for all he has done to make our community a better, safer place for our children to live and play, and we congratulate him on his Pastoral Anniversary.

CREDIT UNIONS, A VITAL AMERICAN INSTITUTION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. SANDERS. Mr. Speaker, I want to talk today about an essential element in our national life, America's credit unions. They are one of the most vital, one of the most democratic, institutions in America, and yet time and again credit unions are overlooked and even ignored by the mainstream media. But I know, as tens of millions across the Nation know, that credit unions are healthy, thriving, and essential to the prosperity of the Nation and the well-being of millions of families.

The principle behind credit unions is simple. A group of people join together to pool some of their resources; in turn, those resources are available as low-cost loans to the members of the group. Without the need to make a profit, without heavy advertising costs, without huge bonus packages to corporate executives, credit unions can provide loans at rates lower than other financial institutions. And they also can provide loans to those who might otherwise be turned away from conventional banking institutions.

Credit unions are cooperatively owned by those who deposit money in them, not by 'investors' who want to make a profit from loaning money. They are democratic, owned and run by their members. And anyone who makes a deposit is a member.

Although the concept of coming together to pool resources dates back to ancient times, the modern credit union movement began in the mid-nineteenth century, when economic depression, massive crop failures, and especially harsh winters created horrendous conditions for rural and working people in Europe. The first credit union dates from 1850 in Germany. Quickly, the idea spread across Europe.

In 1901, in Quebec, the Canadian province neighboring my State of Vermont, the first credit union in North America was established by Alphonse Desjardins in a town called Levis. It was called La Caisse Populaire de Levis, and like its European counterparts it made credit available to all sorts of people who could not get loans from banks: small farmers, working families, and renters who had no collateral.

In 1908, inspired by that model, the first credit union in the United States was founded. Parishioners of St. Mary's Church in New Hampshire, Vermont's neighbor to the east, formed the first U.S. credit union, with help from Desjardins. (Today, St. Mary's Bank is still a credit union and still vital, with more than $450 million in assets.)

In 1909 Edward Filene, a progressive businessman whose department stores are still prominent in the Northeast—one is located in Burlington, Vermont—helped develop and enact the Massachusetts Credit Union Act. Many states followed Massachusetts in passing similar legislation. By 1930 there were 32 states with credit union laws, and there were a total of 1,100 credit unions nationwide.

The depression, of course, made credit more important than ever to hard-pressed working people. In 1934, the Congress passed the Federal Credit Union Act. When President Franklin Roosevelt signed the law in 1934, he said its purpose would be "to make more available to people of small means credit for provident purposes through a national system of cooperative credit."

Credit unions grew and flourished. By 1960 more than 6 million people were members at one or more of over 10,000 federal credit unions.

I was proud to be an original sponsor, and to work side-by-side with credit unions and their members during a long and contentious struggle in 1998. We were successful in that fight, and passed the law that preserved the right of consumers to join credit unions. So, credit union membership remained open to many millions of Americans.

Today, I am pleased to report, credit unions are stronger than ever, and serving more people than ever. There are over 12,000 credit

unions in existence today. They have $316 billion in assets—and they serve 70 million people in our nation.

The credit union movement's long and great history of making credit available to people of small means has been based on the same central idea from the outset. Credit unions enable everyday people to band together for the common good, allowing them to make basic financial services available through not-for-profit and democratic means.

In our day, unhappily, tragically, the conditions that led to the beginning of the credit union movement in Germany more than a century-and-a-half ago still exist. Families, even with two and three workers in a household, even with people holding multiple jobs, often cannot pay their bills, their health care, their pharmaceutical costs.

Our economy is booming—but only for some. Corporate profits are up, productivity is up and stock prices are relatively high. The wealthiest people in our country have never had it so good. The richest one percent of our population now owns more wealth than the bottom 95 percent, and the typical CEO of a major corporation now earns over 300 times more than the average worker.

But workers across the country are often working longer hours for lower wages than they earned twenty-five years ago. Thirty percent of our workers earn poverty or near-poverty wages. In fact, low-wage American workers are now the lowest paid in the industrialized world. One out of every five children in America now lives in poverty, compared to one out of seven twenty-five years ago. Thirty-four million Americans live in hunger or in families so poor that parents skip meals so their children can eat.

Ordinary Americans are struggling. They need allies like the credit union movement.

Meanwhile, the for-profit financial services industry has left many ordinary Americans behind. Mergers have led to larger institutions serving higher-end customers, the loss of local ownership and control, less competition, higher fees, and the lack of life-line financial services to moderate- and low-income consumers.

There are 20 million American adults who do not have checking or savings accounts. Some have been priced out by high fees. Others simply can't get small loans from banks. When their cars break down, they borrow the money to fix them from wherever they can—like payday loans. Banks often think that the best way for working people to get a loan is to draw heavily on their credit cards—cards that often charge hefty monthly penalty fees on top of close to thirty percent interest rates!

So America's credit unions are just as vital today as they were when Desjardins helped organize that first credit union in New Hampshire.

Yet even though credit unions serve seventy million people—perhaps because they serve seventy million people—they are under attack by the for-profit financial establishment.

Today, huge corporate banks are hard at work lobbying Congress to tax credit unions. Unscrupulously, the banking lobby has even questioned the safety and soundness of credit unions. They hammer away and hammer away at their theme: "It is not fair that credit unions are not taxed. They get a federal subsidy." Yet it is the banks, with their multi-million dollar CEO's, their rising profits, and their rising ATM surcharges, that come before Congress to ask for huge bailouts for bad overseas investments. When the banks say that credit unions should pay a billion a year in taxes, they conveniently forget to mention that privately owned banks have received hundreds of billions in taxpayer support in the last fifteen years, ranging from outright bailouts of failed domestic banks to underwriting of their losses abroad.

Credit unions are tax exempt for good reasons, and not because anyone is doing them a special favor. Credit unions are tax-exempt because they are not-for-profit institutions. And under federal law, and rightly in my view, nonprofits are exempt from taxes: churches, hospitals, libraries, universities—and credit unions.

For almost all of the past century, credit unions brought people together, allowed them to share their resources, and served the financial needs of their members in good times and bad.

It is my belief that credit unions and their members have the potential to be an even more important economic, social and political force in our country in the decades ahead. In a nation facing forces that threaten to rip our economic well-being apart—downsizing, outsourcing, shipping jobs abroad—credit unions remind us that we can work together for the common good. They show us, day after day, that it is not necessary to incorporate the profit motive into every aspect of American life. In fact, credit unions show us how, if profits are not involved, people can come together to help themselves, sustain themselves, and create healthy communities.

I never make excuses for the fact that I am a strong supporter of credit unions. I want to see credit unions grow and flourish because I believe credit unions are good for the working people of Vermont and good for America.

A TRIBUTE TO JANET B. MUNROE ROUSSEAU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Janet B. Munroe Rousseau in recognition of her dedication to her community and improving the lives of children.

Janet was born in Trinidad, West Indies. When she immigrated to the United States with her husband, she had already had a nursing degree. She started her nursing profession in England. However, Janet decided to broaden her scope of knowledge by completing the certification for the Nurse Midwifery Program (R.N, C.N.M.) at Downstate University in Brooklyn, New York. She is licensed to practice Midwifery by the New York State Education Department and the American College of Nurse Midwives. Janet also completed her Bachelor of Science degree in Community Health at St. Joseph's College while working full-time and presiding as Vice-President of the PTA at her daughter's elementary school.

Janet is a member of over ten professional affiliations within her nursing career including: the Nursing Admissions Committee, the Clinical Faculty of the College of Health Related Professions, and the Search Committee for the Chairperson of the Nurse-Midwifery Program, which is only given to those who are accomplished in their field.

During her career Janet has collaborated with other nursing professionals in formulating the first health fair for Central and East Flatbush area.

In addition to being a health care provider, Janet has been a member of the Sesame Flyers International Inc. since its inception in 1983. She has held numerous positions within this prestigious organization including Vice-President, Treasurer, Comptroller, Head of Social Affairs, Nutritionist for the Children's Saturday Program and now, a member of the Board of Directors. This community service organization is her second family. Janet devotes a lot of her spare time to making sure the group lives up to the motto, "Love a Kid Today and Everyday."

Janet is truly worthy to be honored as a "Woman Who Dares to Be Different." She is not only a daring woman, but she is also a dynamic wife, mother, grandmother, mother-in-law, sister, friend and well-rounded blessed person.

Mr. Speaker, Janet B. Munroe Rousseau has dedicated her life to strengthening her community as a health care provider and community activist. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING INDUSTRY EFFORTS TO FIGHT UNDERAGE DRINKING

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. BOEHNER. Mr. Speaker, I rise today during prom and graduation season to recognize The Century Council and the distilled spirits industry for their efforts to fight underage drinking this month and throughout the year.

As we focus on public health and safety issues during prom and graduation season, we must pay close attention to the challenges facing our nation's youth. While many youth under the age of 21 obey the minimum drinking age law and do not drink, other youth unfortunately make irresponsible decisions about beverage alcohol. The consequences can be tragic. In addition to countless non-fatal injuries, statistics from the National Highway Traffic Safety Administration show there were 516 alcohol-related traffic fatalities among youths under the age of 21 in May and June 2002.

The Century Council, funded by America's leading distillers to fight drunk driving and underage drinking, is kicking off its fifth annual National Prom and Graduation Safety Months Initiative consisting of a series of initiatives aimed at educating students, parents, educators and lawmakers throughout the upcoming months. This includes the nationwide distribution of prom and graduation safety kits and gubernatorial proclamations in more than 30 states.

The Council's programs have been implemented across the country in numerous public/private partnerships to educate parents, educators, youth, lawmakers, law enforcement, and community groups about the problem of underage drinking. The Council's programs are developed by experts to provide the

public with educational tools and programs aimed at reducing underage drinking.

Mr. Speaker, I am pleased to join more than 30 governors from across the nation who have recognized the efforts of The Century Council in declaring May and June Prom and Graduation Safety Months.

REGARDING CO–SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31th.

Last week the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional co-sponsors to a bill once the committee report has been filed, I am not able to formally add another Member of Congress as a co-sponsor of this legislation.

I ask that the record show that Ms. Granger of Texas is in support of my bill and should be considered by this body as a co-sponsor of H.R. 4061.

CONGRATULATIONS TO BETHESDA-CHEVY CHASE HIGH SCHOOL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate Bethesda-Chevy Chase High School BCC in my district for being named a GRAMMY Signature School by the GRAMMY Foundation. BCC is only one of 41 public high schools in the country to receive this prestigious award. The GRAMMY Foundation recognizes outstanding public high schools across the U.S. that demonstrate a commitment to music education.

I am proud that, even in the midst of budget cuts, faculty and staff at BCC have managed to maintain and develop its arts and music program. BCC has successfully used the arts to captivate and engage students in the process of learning. The arts help children develop discipline as well as problem solving and critical thinking skills which are invaluable for future endeavors.

I applaud BCC for its commitment to music education and for making a positive difference in the lives of young people.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. NETHERCUTT. Mr. Speaker, on Thursday, May 13, I was unavoidably detained due to a prior obligation. Had I been present, I would have voted "no" on the following: Rollcall vote No. 172 on agreeing to the Kind substitute amendment to H.R. 4281, the Small Business Health Fairness Act of 2004; and rollcall vote No. 173 on the motion to recommit H.R. 4281, the Smail Business Health Fairness Act of 2004.

I would have voted "yes" on the following: Rollcall vote No. 174 on passage of H.R. 4281, the Small Business Health Fairness Act of 2004; Rollcall vote No. 175 on the motion to suspend the rules and pass H.J. Res. 91, Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; and Rollcall vote No. 176 on agreeing to H. Con. Res. 414, Expressing the sense of Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in honor of the 50th Anniversary of Brown v. Board of Education decision, which declared segregation of public schools illegal. The case was sparked by Linda Brown, a black girl denied admission into a white elementary public school in Topeka, Kansas. The NAACP took up her case, along with similar ones in Kansas, South Carolina, Virginia, and Delaware. All five cases were argued together in December, 1952 by Thurgood Marshall.

I am proud to stand here today in honor of one of our country's pioneers in the history of civil rights. Before serving 24 years as the first African-American on the United States Supreme Court, Thurgood Marshall served as legal director of the NAACP. Marshall was once asked for a definition of "equal" by Justice Frankfurter. He responded, "Equal means getting the same thing, at the same time, at the same place."

I am grateful to have contributed to the legacy of such a great American. As immediate past chair of the Congressional Black Caucus, I am pleased that the seed planted under my administration has now blossomed into a fruitful initiative.

Mr. Speaker, I would also like to thank all of my colleagues here in Washington, around this nation and Topeka, Kansas for commemorating this significant event, so fundamental to our societal growth. I am here today because I believe that education must be our number one national priority. In my almost thirty years as a legislator, I have fought to ensure that education is at the forefront of the legislative agenda.

The President has promised to "leave no child behind", unfortunately, the current administration is not getting the message. The President's budget falls $9.4 billion short of the funding commitment made in No Child Left Behind to K–12 education for Fiscal Year 2005. In my home State of Texas, the President's budget will impact math and reading programs for 205,157 children.

How can we ask educators to meet high standards at the same time we hand them a budget that forces class size increases, cuts in academic programs, and teacher layoffs? Demanding more but paying less does not work.

Other programs barely survive the budget chopping block—resources for teacher training, educational technology, after-school programs, and safe and drug-free schools are frozen; while for the second year in a row he allocates no money for school modernization.

Education is not a luxury item that can be trimmed when more enticing budget items beckon. It is an essential element that should be our highest national priority. Now is the time to increase education spending.

Mr. Speaker, I would like to close by asking my colleagues in the House of Representatives to join me in extending my appreciation to the legacy of Justice Thurgood Marshall, the Brown family, and all of the unsung heroes who worked so tirelessly for equality and justice in America's public institutions of learning.

RECOGNIZING THE 50TH ANNIVERSARY OF BROWN V. THE BOARD OF EDUCATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. MEEK of Florida. Mr. Speaker, today marks the 50th anniversary of the landmark civil rights ruling of Brown vs. The Board of Education. The plaintiffs in this case, led by Thurgood Marshall, argued that states did not have a valid reason to impose segregation, that racial segregation caused psychological damage, and that restrictions based on race or color violated the equal protection clause of the Fourteenth amendment. On May 17, 1954, the Supreme Court unanimously agreed.

Fifty years later, we must ask ourselves if the vision of equality sought by the plaintiffs in Brown has been realized. While today the legal battle against segregation is largely over, the struggle for equal opportunity continues. Gaps in academic achievement and outcomes separate white and minority students, and little has been done to address them. New data from the Urban Institute and the Harvard Civil Rights Project indicates that only about one-half of black and Hispanic students graduate from high school nationwide. The study also found that black students are over represented in special education programs and under represented in honors education programs.

Meaningful change in our public schools is needed, but the No Child Left Behind Act passed by Congress in 2001 is not the answer. Showcasing achievement gaps will only further erode support for our public schools and drive more students to private schools. A national mass exodus from our public schools, which has already occurred in some urban communities, would turn our public schools into classrooms of last resort and little hope.

The dream codified by Brown is alive, but we must continue to push for full equity and quality in education for all Americans. Today is an occasion to celebrate the progress made in the last 50 years, reflect on our progress thus far and recommit ourselves to the goal of equality that is the promise of our Constitution.

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN V. THE BOARD OF EDUCATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. MARKEY. Mr. Speaker, 50 years ago today, in the landmark Brown v. the Board of Education, Chief Justice Warren declared, unanimously, that ''in the field of public education, the doctrine of 'separate but equal' has no place.'' Separate educational facilities are inherently unequal. The Brown decision promised that every child, regardless of the color of his or her skin, would have unequivocal access to quality education and an equal opportunity to pursue his/her dreams. Since that moment, our society has evolved to the point where the idea of intentionally separating students on the basis of on the color of their skin in the United States of America is appalling. However, while we should certainly celebrate the demise of overt official racism, we must also critically examine where we are at this historical moment, recognize the many challenges ahead and reaffirm our commitment to making Brown v. Board a reality.

In Massachusetts we tend to think about segregation and racial disparity as a southern phenomenon, alien to our abolitionist New England roots. But a recent study released by the Civil Rights Project at Harvard University found that the Metro-Boston area still remains a widely segregated society. In fact, 70 percent of white students attend suburban schools that are over 90 percent white, while more than 75 percent of black and Latino students attend schools in the inner city or in one of the urbanized satellite cities. The segregated schools of today are arguably no more equal than the segregated schools of the past. Students who attend high minority and high poverty schools are far less likely to graduate on time, be taught by a ''highly qualified teacher'' and apply to college, and are far more likely to drop out of school, score poorly on the SATs, and fail the MCAS.

I am proud of what has happened in my hometown, where Mayor Howard seized an opportunity to modernize the entire school system so that everybody in this diverse working-class community feels that people care about the education of Malden's children, regardless of race or income. Unfortunately, this is the exception, not the rule. Efforts at the national level to support such initiatives have been very uneven. The No Child Left Behind NCLB Act set lofty goals but is failing to provide the funding and the assistance needed to achieve those goals. President Bush's budget for next year failed to provide $9.4 billion of promised money to K–12 education, $7.2 billion of which was intended to help schools educate our country's most impoverished children. In order for our schools to make ''adequate yearly progress,'' the President needs to provide ''adequate yearly funding.'' Almost every day, I get calls from constituents, and communicate with teachers about the many problems with implementing standards without financial support.

Our work is clearly not done and there is too much at stake to leave the work unfinished. Education is not only a ladder of opportunity, but it is also an investment in our future. Our nation's security, economy, and place on the world stage depends on the success our educational system. Although children are only 24 percent of the population, they're 100 percent of our future and we cannot afford to provide any child with a substandard education.

50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. LANTOS. Mr. Speaker, today we mark the 50th anniversary of the Supreme Court's historic ruling in Brown v. Board of Education. This monumental decision effectively overturned the egregious standard of ''separate but equal'' and truly opened the schoolhouse doors for all children in America.

The decision was a watershed event in U.S. history. It represents the moment in time when the U.S. government no longer sanctioned discrimination against a person solely based on the color of their skin. Most importantly, the decision established the fundamental right of access, granting everyone the ability to gain an education and excel in America.

Mr. Speaker, even though this nation officially banished slavery and attempted to fully integrate the former slaves into society with the 13th, 14th and 15th amendments to the Constitution, equality did not come immediately. States enacted laws to circumvent the intention of these post-Civil War amendments. Then in 1896 the Supreme Court codified the usurpation of rights in the decision that allowed for ''separate but equal'' facilities for African Americans, in essence endorsing an official government policy of segregating black and white citizens.

Shortly after that shameful decision, the National Association for the Advancement of Colored People (NAACP) was founded and soon began its legacy of fighting legal battles that address social injustice. One of the most prominent lawyers from the NAACP legal team was a young man named Thurgood Marshall, who graduated first in his class from Howard University School of Law in 1933, and joined Julian Dugas, Charles Houston and Oliver White Hill to advocate for the NAACP in the nation's courtrooms. After a series of legal successes, Thurgood Marshall scored one of the greatest legal victories when he and Charles Houston successfully argued Brown v. Board of Education before the Supreme Court in 1954.

The success of this case was enhanced by the Court's unanimous decision. This was largely thanks to Chief Justice Earl Warren, who recognized that proponents of segregation might see a divided decision as vulnerable to being revisited in later years. Furthermore the Chief Justice wisely recognized that failing to get the support of all the Justices would carry less weight with the Eisenhower Administration and the general public.

Mr. Speaker, despite the lofty promises of desegregating schools with all deliberate speed that the Supreme Court offered when it decided Brown v. Board of Education, some communities still suffer from de facto segregation.

Even more troubling are the disputes that still exist. Part of the problem stems from schools being largely based on housing patterns and funded by local property taxes. A school with a majority African American or Latino population, especially in large cities, is less likely to have proper textbooks, experienced and prepared teachers, and adequate classrooms of manageable size as a result of these funding imbalances. Unfortunately, this means these schools are often rated the worst and produce unprepared students, along with having high drop-out rates.

Students at these schools have limits placed on their access to a quality education. Mr. Speaker, we are all aware that students who go to impoverished schools are less likely to take college preparatory or advanced placement classes, and in the hyper-competitive world of college admissions the classes are mandatory to gain entrance. A quality education has the power to break the cycle of poverty that has plagued minority communities. We are the richest country in the history of the world, and it is unconscionable that schools are failing their students.

Mr. Speaker, as we stand in the shadow of this extraordinary decision half a century after it was made, we in Congress should recommit ourselves to the doctrine of Brown v. Board, which Chief Justice Warren stated so eloquently 50 years ago when he said, ''We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place.''

IN HONOR OF MARK TOGNAZZINI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor a public servant, Mark Tognazzni, of the highest caliber on his retirement from the posts of Agricultural Commissioner and Sealer of Weights and Measures for San Benito County, California. I wish to express my gratitude for his good work, and wish him well for the future.

Mark is a native of San Benito County, born and raised in Hollister. After attending local schools, he started working with the Agricultural Commissioner's office in 1963, and over time worked his way up through the ranks to become Commissioner in 1984. While in that position, Mark has worked on a local and regional level to promote good dialogue and relationships with the agricultural industry. His work continued State-wide as well and he was active in the California Agricultural Commissioners and Sealers Association, serving as both the Vice President and President of that group. His local work includes eight years as the Chairperson of the Agriculture/Horticulture Division of the San Benito County Fair and work with other county fairs in the area.

Mr. Speaker, Mark Tognazzini's career has spanned four decades and huge changes in the way California farmers operate and the government regulates. Throughout this time he has maintained good relationships with growers and residents, and has served the people of San Benito County and the State of California well. I am sure I join many others in wishing him all of the best for the future in his retirement.

ROSS OPPOSES ADMINISTRATION OVERTIME REGULATIONS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, on Wednesday, May 12, 2004, I missed a vote to table the Motion to Instruct Conferees on H.R. 2660, the Labor–HHS Appropriations Act of fiscal year 2004, offered by Representative GEORGE MILLER. Had I been present, I would have voted no on the motion to table.

Although the FY04 omnibus appropriations bill included the FY04 Labor-HHS Appropriations bill, technically, it is still in conference and motions to instruct are in order. By tabling this motion to instruct, it will injure the working men and women of Arkansas's Fourth Congressional District, and the nation who often depend on overtime pay to make ends meet. I support the Senate language to prohibit the use of funds to issue or enforce a regulation that would take overtime pay away from any employee who, under current regulations, is entitled to overtime pay.

On April 23, the Labor Department published a final overtime eligibility rule in the Federal Register that will take effect later this year. The final rule differs from the proposed rule in that it substantially expands the Fair Labor Standards Act's (FLSA) exemptions and threatens the overtime rights of millions of workers. For instance, the final rule greatly expands the exemption for administrative employees, thus creating loopholes for employers to potentially exploit hard working Americans. Additionally, the final rule expands the learned professional exemption to workers without college degrees and jeopardizes the overtime protection of blue collar workers considered ''management.''

Working families in the Fourth Congressional District of Arkansas depend on overtime pay to feed their families, make their mortgages, and contribute to this great society. Any action by our government to reduce this simple process in unconscionable.

It is for these reasons that had I been present, I would have voted no on the motion to table Representative GEORGE MILLER's Motion to Instruct Conferees on H.R. 2660.

CELEBRATING NATIONAL TRANSPORTATION WEEK

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. DAVIS. Mr. Speaker, the development of modern transportation infrastructure has changed the way Americans live, travel, and continues to be one of the driving factors in maintaining a strong economy. Since this is National Transportation Week I would like to recognize the significant contributions transportation infrastructure has made in districts like mine.

The 2004 American Almanac of Politics recently rated Tennessee's Fourth Congressional District as the fourth most rural in Congress. As a farm boy who grew up and lives in one of the most rural counties in the district I understand the importance of roads, and infrastructure. Many of the communities, towns and cities in my district, like many others, depend on these investments for their livelihood.

A Senate and House Conference Committee have been working with the Administration to find common ground in the highway reauthorization bill, commonly referred to as TEA–LU. The funding for this legislation has been set for a six year span. It is my strong belief, the investment in building and adding upon existing infrastructure will not only impact our grandchildren, but their children as well.

Thank you, Mr. Speaker, for allowing me to praise the work we have accomplished in strengthening our nation's roads, highways, national security, and economy.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MAJETTE. Mr. Speaker, I was unable to be in attendance for votes on May 13, 2004 due to a family commitment.

1. Had I been present, on rollcall No. 169, a substitute to H.R. 4275, I would have voted ''aye.''
2. On rollcall No. 170, H.R. 4275, to extend the 10-percent individual income tax rate bracket, I would have voted ''nay.''
3. On rollcall No. 171, a motion that the House instruct conferees on S. Con. Res. 95, I would voted ''aye.''
4. On rollcall No. 172, a substitute to H.R. 4281, the Small Business Health Fairness Act, I would have voted ''aye.''
5. On rollcall No. 173, a motion to recommit H.R. 4281, I would have voted ''aye.''
6. On rollcall No. 174, the Small Business Health Fairness Act, I would have voted ''nay.''
7. On rollcall No. 175, Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944, I would have voted ''aye.''
8. Finally, on rollcall No. 176, Expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown, I would have voted ''aye.''

HONORING THE 50TH ANNIVERSARY OF BROWN V. TOPEKA BOARD OF EDUCATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, it was 228 years ago that the Second Continental Congress affirmed that all men are created equal, as they declared their independence from England. Despite the grand idea of creating a better government that cherished equality and unalienable rights, the United States of America endorsed overt racial discrimination and exploitation for over 178 years.

It was only 50 years ago, in the Supreme Court ruling on Brown vs. Topeka Board of Education that our government took a big step towards correcting these wrongs and recognizing the full spirit of equality. This ruling reversed the Plessy vs. Ferguson case and established that, ''separate educational facilities are inherently unequal.'' The Supreme Court's acknowledgment in Brown vs. Topeka Board of Education was a pivotal point in the rising civil rights movement that led to the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Today, we celebrate the 50th anniversary of Brown vs. Topeka Board of Education. We also honor all the people, young and old, who bravely challenged the status quo and risked their own personal safety to fight for equality. It was their courage that spurred our country to become a better place and we will continue to recognize their important role in our history.

As we commemorate the achievement of the Brown decision, we must also recognize that this fight is not over. Across the country children of all races are being deprived of their fundamental right to an education. In California we see painful overcrowding in schools, creating conditions that are not conducive to learning. Without the critical skills provided by a good education, our children's futures are restricted. In the last several years we have seen a symbol of commitment to improving education in the enactment of the No Child Left Behind Law. This legislation sets high standards for the kind of achievement we would like to see from all of our children. However, this law fails to provide the resources and tools for states and localities to achieve these goals. Underperforming schools are punished instead of helped, and our children are once again denied their right to a good education.

The significance of Brown vs. Topeka Board of Education is too important for us to let it slip away. We must continue to dedicate ourselves to achieving equal rights and equal opportunity for all Americans.

IN MEMORY OF STAFF SERGEANT HESLEY BOX, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Staff Sergeant Hesley Box, Jr, of Chidester, Arkansas, who died on May 6, 2004, fighting for his country. Hesley, just 24 years old, was part of the Arkansas National Guard, Bravo Company, 1st Battalion, 153rd Infantry, 39th Brigade Combat Team. I wish to recognize his life and achievements.

I am deeply saddened by the tragic loss Hesley Box, Jr. from Arkansas's 39th Brigade, who died while supporting Operation Iraqi Freedom. Hesley lost his life while making the ultimate sacrifice to serve our country, and I will be forever grateful to him for his courageous spirit.

Hesley gave his life to serve our country and will forever be remembered as a hero. My deepest condolences go out to his parents, Barbie and Hesley, his brother, Tarcus, his wife, Alexis, their daughter, TaDarius, and their son, Zacheas. I know Hesley was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow

soldiers, and all those who knew him and counted him as a friend. I will continue to keep Hesley and his family in my thoughts and prayers.

HONORING MR. RICK CRANDALL FOR HIS OUTSTANDING PUBLIC SERVICE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. Rick Crandall of Aurora, Colorado for his lifetime of achievement and service to his family, community, and country.

Mr. Crandall served his country honorably with the U.S. Air Force in Guam. Following his service, Mr. Crandall created the popular radio talk-show ''The Breakfast Club'' emphasizing the sacrifices made by American veterans. On his show, Rick interviews veterans about their experiences on and off the battlefield. The show made history in 2000 when he went ''on the air'' from the American Cemetery above Omaha Beach. Rick's radio venue has been warmly welcomed by the veteran community and he has received special recognitions from the American Legion and the Veterans of Foreign Wars for his work.

Mr. Crandall has been an outstanding advocate for several other causes as well. He holds annual charity events for the American Lung Association and the American Heart Association. He has also been helpful for community organizations like the Aurora Senior Center, Rainbow Bridge, and the Denver District Attorney's Office. Most notably, Rick hosts an annual golf tournament which raises funds for the local Meal on Wheels.

Rick Crandall has made service a life-long pursuit. His latest undertaking is the establishment of the Colorado Freedom Memorial in Aurora. This memorial honors the thousands of Coloradans who have given their lives serving in combat for the United States since the Spanish-American War. The Colorado Freedom Memorial is just in its introductory stages, so Mr. Crandall surely has a project to keep him active for years to come.

Mr. Speaker, it gives me great pleasure to honor a man who has given so much to so many. Rick has been an inspiration to our Nation's youth by promoting community service and activism. I urge my colleagues to join me in recognition of Rick Crandall and the commitment he has made to improving his community.

TRIBUTE TO MAEVA NEALE IN MEMORY OF A LEADER, ENVIRONMENTALIST, POET, SCHOLAR AND DOCTOR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor my constituent Maeva Neale who passed away on May 8, 2004. She was a physician, leader, a poet, and a hero to those who lived in the coastside town of Pescadero, California. She lived a life filled with values, devoting herself to improving the lives of everyone around her.

Maeva Neale was born in Chicago, the daughter of a minister and Spanish teacher. She majored in Russian studies at Cornell University and was fluent in Swahili, Spanish, French, German, and Arabic. She began medical school at the University of Chicago and completed her studies at the University of California at San Francisco. In the spirit of her thirst for knowledge and adventure, she moved to Kenya for a decade where she practiced medicine and raised her two children, Ama and Geoffrey. Looking for new adventure, she then moved to Saudi Arabia for two years.

In 1989, our community was blessed with Maeva Neale's decision to move to Pescadero, where one of her first acts as a member of our community was to foil an attempt to drop sewage sludge above the ecologically vital coastal area of Pigeon Point. She spent ten years on the Pescadero Municipal Advisory Council, including one as the Chair, leading the drive to stop chemical spraying along Pescadero's roadways. She wrote volumes of beautiful poetry in several languages that were illustrated by local artists and was commended by President Clinton for her work on behalf of Russian children who were devastated by severe pollution.

Mr. Speaker, it is with a heavy heart that I rise to honor the life of Maeva Neale. She brought our community together, no matter how divergent its opinions. She was an artist and a healer, and always was an inspiration to me. I ask my colleagues to join me in honoring and remembering Maeva Neale for her extraordinary life of service to our community and humanity. We are better people because of her gentleness, her leadership and her incredible spirit.

IN HONOR OF BROWN V. BOARD OF EDUCATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Supreme Court's landmark ruling in the case of Brown v. Board of Education. Fifty years ago today, Chief Justice Earl Warren announced that, under the Constitution, education is ''a right which must be made available to all on equal terms.'' That ruling paved the way for the end of legal segregation; it affirmed the truth that we all knew in our hearts—that separate can never be equal.

In only 2,000 words, Chief Justice Warren changed the course of our nation for the better. It took the Chief Justice only a few minutes to read the ruling, but his words are still echoing in every classroom throughout the country. His words reverberated through the Supreme Court's marble halls and flowed into public school hallways. Those words continued to carry across the land by drawing power from the hope they gave to the people who heard them. They were a promise that every child would have the same opportunity to receive an education and, even more importantly, that every person would have the opportunity to shape and contribute to our society's future.

The Brown v. Board of Education ruling was a crucial step on our way to becoming a more just society. We still have a very long way to go, but we cannot let the length of the road ahead of us discourage us. The Brown v. Board of Education ruling put the power of the law behind the fight for racial equality. It was a legal ruling that did so much more than end legal segregation in schools; it promised all Americans the right to participate in the ''American dream.''

The National Association for the Advancement of Colored People (NAACP) carefully formed a strategy to boldly challenge the constitutionality of segregation. Linda Brown represented the millions of children suffering from the effects of segregation, and her father, Oliver Brown, represented the millions of parents who believed that their children deserved better. Civil rights advocates used the Supreme Court's ruling on education to challenge discrimination in transportation, voting practices, housing and other parts of our society. The effort to win legal rights also gave birth to Dr. Martin Luther King's powerful dream of an America where all people are free from the scars of discrimination.

Today, we celebrate the courage and conviction of those who stood up for their rights and helped to bring about the great victory of the Brown v. Board of Education decision. Today we also must join together to reaffirm our commitment to equality and to work so that all Americans have a real opportunity to reach their full potential. The goal of achieving equal opportunity requires us to continue to fight for justice and equality. It also requires that we expand opportunity by providing adequate funding for quality, public education; creating good jobs; ending health disparities; and guaranteeing full access to the ballot booth in practice as well as in theory.

Today, we have much to celebrate but we also have much left to achieve.

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. BIGGERT. Mr. Speaker, today I rise to commemorate the 50th Anniversary of Brown versus the Board of Education. Fifty years ago, the Supreme Court ruled the doctrine of ''separate but equal'' unconstitutional, and the doors of education were opened to every child.

Sadly, although schools were open to every child, a tremendous learning gap opened up. Some students received a great education, while others—largely poor and minority—slipped through the cracks of the system. The achievement gap between African-American and Caucasian fourth-graders is 28 percentage points, and 29 points between Hispanic and Caucasian students.

This is not equal access to education.

The No Child Left Behind Act continues Brown's legacy. Under NCLB, every child, regardless of race or national origin, is given the same opportunity to learn. Schools are required to ensure that every child is learning.

No longer can students shuffle through the system without learning. We are already seeing positive results. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing between minority and Caucasian students in both reading and math. These results are due, in large part, to NCLB.

The No Child Left Behind Act is the second step of Brown. The ruling in Brown may have given students equal access to the classroom, but NCLB ensures that they are given equal access to an education in that classroom.

TRIBUTE TO NEIL BRADLEY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mrs. MYRICK. Mr. Speaker, I rise today on behalf of the members of the Republican Study Committee (RSC) to express our sincere gratitude and best wishes to Neil Bradley. Neil, who has served as Executive Director of the RSC since January 2000, was recently asked by the House Majority Whip to serve as his Policy Director. As the members and staff of the RSC prepare to wish Neil well in his new position, we wanted to take a moment to reflect upon his outstanding service to our organization and to thank him for it.

For those who may be unaware, the Republican Study Committee is a group of Republicans organized for the purpose of advancing a conservative economic and social agenda in the House of Representatives. The group is dedicated to a limited government, a strong national defense, the protection of individual and property rights, and the preservation of traditional family values. Although these values are shared in the abstract by a majority of my colleagues, it is necessary that we measure what is produced through the deal-making and political give-and-take that permeates this institution against the ideals we were elected to uphold. The RSC plays an invaluable role in seeking to ensure that all legislation that moves through this body reflects and respects these fundamental values.

Over the past four and a half years, the RSC's efforts have been tremendously improved because of the service of Neil Bradley as the group's Executive Director. Neil is a committed and principled conservative. He is a tireless and effective advocate for the RSC's objectives. And, as anyone who has worked with or against him will readily acknowledge, Neil is a master of House procedure, especially the federal budget process. Mr. Speaker, Neil has served the RSC with integrity and distinction. We will miss him greatly, but are glad that he will be working for our shared values in a position of influence within the House Leadership.

As his friends and colleagues know, Neil's emails always conclude with some quotation from a famous conservative political thinker or office holder that is relevant to the policy fight of the day. Many of the quotes come from Neil's political hero, former President Ronald Reagan. I thought it would be fitting to close with some words from the great leader.

In 1989, in his farewell address to the Nation, Reagan said the following to the officials and staff that served in his Administration:

> [A]s I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference.

Mr. Speaker, Neil Bradley has spent 4 and a half years working passionately for the Republican Study Committee, for the House of Representatives, and for America. He was not just marking time. He made a difference.

On behalf of the RSC, I thank him for his service and wish him well in his new endeavor.

HONORING BROWN V. BOARD OF EDUCATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the 50th Anniversary of Brown v. Board of Education. This landmark victory in the effort to rid this nation of segregation continues to product national repercussions, and on this day I believe we must rededicate ourselves to the ideals that it proposes.

Mr. Speaker, many people consider Brown a failure. It is not universally accepted or practiced, and the victories of the civil rights movement have been overturned or forgotten in the subsequent years. Minority populations including black and Latino children continue to find themselves as this nation's lowest academic performers. Indeed, if Thurgood Marshall surveyed the racial landscape today, he may wonder if Brown had been overturned.

But these very real challenges must not let us forget the lasting lesson of Brown. For many black parents, integration was not the key issue as it was the recognition of the fact that unless their children went to school with the children of the whites who controlled the purse strings, their children's educational opportunities would likely be shortchanged.

Brown ultimately decrees that all children—black, white, Latino; Asian, Native American—are all equally deserving of a high quality education, and that we cannot allow superficial differences to dissuade us from this fact. We must provide our children the presumption of competence and the expectation of success. Our children must have an environment that nurtures aspiration, guardians who provide direction, and peers who provide support. If we are serious about realizing the promise of Brown, then we must challenge ourselves to deliver those things which they most desperately need.

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 Tuesday, May 18, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine personal gain relating to a transition from public sector to private sector.

SR–253

Foreign Relations

To continue hearings to examine the way ahead in Iraq.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the International Monetary Fund and World Bank.

SD–538

Appropriations

District of Columbia Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the District of Columbia.

SD–138

Finance

To hold an oversight hearing to examine the Treasury Department and terrorism financing; to be followed by a hearing to examine the nominations of Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury, and Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

SD–215

Indian Affairs

Business meeting to consider S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, and S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

SR–485

10:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to markup an original bill to reauthorize child nutrition programs.

SH–216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 900, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts, S. 1876, to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, S. 1957, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project, S. 2243, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska, H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District, and H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project.

SD–366

Aging

To hold hearings to examine Health Savings Accounts and the New Medicare Law, focusing on the future of health care.

SD–628

MAY 20

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD–406

Commerce, Science, and Transportation

To hold hearings to examine SPAM.

SR–253

Judiciary

Business meeting to consider pending calendar items; to be following immediately by oversight hearings to examine the FBI, terrorism, and other topics.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Extended Custodial Inventory Program.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–106

Indian Affairs

To hold hearings to examine S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country.

SR–485

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1672, to expand the Timucuan Ecological and Historic Preserve, Florida, S. 1789 and H.R. 1616, bills to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, S. 1808, to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and S. 2173, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

SD–366

JUNE 2

9:30 a.m.

Foreign Relations

To hold hearings to examine the greater Middle East initiative.

SD–419

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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CANCELLATIONS

MAY 19

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar items.

SD–430

POSTPONEMENTS

MAY 20

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine intellectual property.

SD–138

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages **S5503–S5557**

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 2426–2429, and S. Con. Res. 109–111. **Page S5535**

Measures Passed:

National Safety Month: Senate agreed to S. Res. 331, designating June 2004 as ''National Safety Month''. **Page S5554**

Honoring ''Rosie the Riveter'': Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. Con. Res. 103, honoring the contribution of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and the resolution was then agreed to. **Page S5554**

Department of Defense Authorization Act: Senate began consideration of S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, taking action on the following amendments proposed thereto: **Pages S5515–5529**

Adopted:

By 82 yeas and 0 nays (Vote No. 95), Hutchison Amendment No. 3152, to authorize medical and dental care for cadets and midshipmen, and to authorize disability benefits for cadets and midshipmen of the service academies. **Pages S5524–27, S5529**

Pending:

Lautenberg Amendment No. 3151, to clarify the application of Presidential action under the International Emergency Economic Powers Act. **Pages S5522–24**

Service Medals Act—Agreement: A unanimous-consent agreement was reached providing that at 10:45 a.m., on Tuesday, May 18, 2004, Senate begin consideration of H.R. 3104, to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom, and that there be 20 minutes for debate and Senate then vote on final passage of the bill.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Burma; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–77) **Pages S5531–32**

Nominations Confirmed: Senate confirmed the following nominations:

1 Army nomination in the rank of general.

Nominations Received: Senate received the following nominations:

Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas.

Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Zimbabwe.

Nadine Hogan, of Florida, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Jack Vaughn, of Tennessee, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

2 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Public Health Service. **Pages S5555–57**

Messages From the House: **Page S5532**

Measures Referred: **Page S5532**

Measures Read First Time: **Page S5532**

Petitions and Memorials: **Pages S5532–35**

Additional Cosponsors: **Pages S5535–36**

Statements on Introduced Bills/Resolutions: **Pages S5536–48**

Additional Statements: Page S5531

Amendments Submitted: Page S5548

Notices of Hearings/Meetings: Page S5553

Authority for Committees to Meet: Page S5553

Privilege of the Floor: Page S5553

Record Votes: One record vote was taken today. (Total—95) Page S5529

Adjournment: Senate convened at 12 noon, and adjourned at 6:13 p.m., until 9:45 a.m., on Tuesday, May 18, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on Page S5555.)

Committee Meetings

(Committees not listed did not meet)

RETIREE HEALTH BENEFITS

Special Committee on Aging: Committee concluded a hearing to examine how the Equal Employment Opportunity Commission's recent rule affects retiree health benefits, focusing on the Commission's decision to permit employers to remain in compliance with the Age Discrimination in Employment Act (ADEA) when coordinating retiree health benefits provided with Medicare eligibility, after receiving testimony from Leslie E. Silverman, Commissioner, U.S. Equal Employment Opportunity Commission; Patricia Neuman, Henry J. Kaiser Family Foundation, Erik D. Olsen, AARP, Andrew J. Imparato, American Association of People with Disabilities, and James A. Klein, American Benefits Council, all of Washington, D.C.; and Bruce Meredith, Wisconsin in Education Association Council, Madison.

House of Representatives

Chamber Action

Measures Introduced: 8 public bills, H.R. 4370–4377; and 5 resolutions, H. Con. Res. 427–428, and H. Res. 643–645 were introduced. Pages H3093–94

Additional Cosponsors: Page H3094

Reports Filed: Reports were filed today as follows:

Filed on Friday, May 14: H.R. 2432, to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes, amended (H. Rept. 108–490, Pt. 1);

Filed on Friday, May 14: H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, amended (H. Rept. 108–491);

Supplemental report on H.R. 2432, to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes (H. Rept. 108–490, Pt. 2);

H.R. 2201, 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 (H. Rept. 108–492, Pt. 1);

H.R. 3768, to expand the Timucuan Ecological and Historic Preserve, Florida, amended (H. Rept. 108–493);

H.R. 3505, to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, amended (H. Rept. 108–494);

H.R. 265, to provide for an adjustment of the boundaries of Mount Rainier National Park, amended (H. Rept. 108–495);

H. Res. 644, providing for consideration of H.R. 4359, to amend the Internal Revenue Code of 1986 to increase the child tax credit (H. Rept. 108–496); and

H. Res. 645, providing for consideration of H.R. 2728, to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of H.R. 2729, to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of H.R. 2730, to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of

H.R. 2731, to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of H.R. 2432, to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes (H. Rept. 108–497). **Pages H3092–93**

Speaker: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker Pro Tempore for today. **Page H3019**

Recess: The House recessed at 1:03 p.m. and reconvened at 2 p.m. **Page H3023**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Bend Pine Nursery Land Conveyance Act: H.R. 3505, amended, to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery; **Pages H3023–24**

Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004: H.R. 3768, amended, to expand the Timucuan Ecological and Historic Preserve, Florida; **Pages H3024–25**

National War Permanent Tribute Historical Database Act: H.R. 2201, 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; **Pages H3025–26**

Recognizing National Transportation Week: H. Con. Res. 420, applauding the men and women who keep America moving and recognizing National Transportation Week, by a ⅔ yea-and-nay vote of 360 yeas with none voting "nay", Roll No.177; **Pages H3026–28, H3052–53**

Authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial: H. Con. Res. 423, authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial, by a ⅔ yea-and-nay vote of 364 yeas with none voting "nay", Roll No. 178; **Pages H3028–30, H3053–54**

Amending the Internal Revenue Code of 1986 to allow for the expansion of renewal community areas: H.R. 4193, to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; **Pages H3030–33**

Condemning the Government of the Republic of Sudan for its attacks against innocent civilians: H. Con. Res. 403, amended, condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, by a ⅔ yea-and-nay vote of 360 yeas to 1 nay, Roll No. 179. **Pages H3044–49, H3054**

Suspensions: Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further proceedings were postponed until Tuesday, May 18.

Undocumented Alien Emergency Medical Assistance Amendments of 2004: H.R. 3722, to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens; **Pages H3033–44**

Oscar Scott Woody Post Office Building Designation Act: H.R. 3740, to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building"; and **Pages H3049–51**

Bobby Marshall Gentry Post Office Building Designation Act: H.R. 4176, to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building". **Pages H3051–52**

Supplemental Report: Agreed that the Committee on Government Reform be permitted to file a supplemental report on H.R. 2432, to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. **Page H3049**

Recess: The House recessed at 4:29 p.m. and reconvened at 6:30 p.m. **Page H3052**

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004—Motion to Instruct Conferees: Representative George Miller (CA) announced his intention to offer a motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004. **Page H3055**

Budget Resolution for FY 2005—Motion to Instruct Conferees: Representative Stenholm announced his intention to offer a motion to instruct

conferees on S. Con. Res. 95, original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009. **Page H3055**

Presidential Message: Read a message from the President wherein he notified the Congress of the continuation of the national emergency with respect to Burma—referred to the Committee on International Relations and ordered printed (H. Doc. 108–186). **Page H3052**

Senate Message: Message received from the Senate today appears on page H3023.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H3052–53, H3053–54, and H3054. There were no quorum calls.

Adjournment: The House met at 12:30 p.m and adjourned at 10:58 p.m.

Committee Meetings

CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

Committee on Rules: Granted, by voice vote, a modified closed rule providing one hour of debate in the House on H.R. 4359, Child Credit Preservation and Expansion Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Rangel of New York or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all point of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Camp and Levin.

OSHA AMENDMENTS AND PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2003

Committee on Rules: Granted, by voice vote, a closed rule providing for consideration of H.R. 2728, Occupational Safety and Health Small Business Day in Court Act of 2004, with one hour of debate in the House on H.R. 2728 equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The rule provides one motion to recommit H.R. 2728 with or without instructions.

Section 2 of the resolution provides for considerations of H.R. 2729, Occupational Safety and Health Review Commission Efficiency Act of 2004, under a closed rule. The rule provides one hour of debate in the House on H.R. 2729 equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part A of the Rules Committee report accompanying the resolution, shall be considered as adopted. The rule provides one motion to recommit H.R. 2729 with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 2730, Occupational Safety and Health Independent Review of OSHA Citations Act of 2004, under a closed rule. The rule provides one hour of debate in the House on H.R. 2730 equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment recommended by the Committee on Education and the Workforce, now printed in the bill, modified by the amendment printed in part B of the Rules Committee report accompanying the resolution, shall be considered as adopted. The rule provides one motion to recommit H.R. 2730 with or without instructions.

Section 4 of the resolution provides for consideration of H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act of 2004, under a closed rule. The rule provides one hour of debate in the House on H.R. 2731 equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part C of the Rules Committee report accompanying the resolution, shall be considered as adopted. The rule provides one motion to recommit H.R. 2731 with or without instructions.

Section 5 of the resolution provides for consideration of H.R. 2432, Paperwork and Regulatory Improvements Act of 2003, under a structured rule providing one hour of general debate in the Committee of the Whole equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule

waives points of order against consideration of the bill for failure to comply with clause 4(a) of Rule XIII (regarding the three-day availability of committee reports). The rule provides that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read.

The rule makes in order only those amendments to the Committee amendment in the nature of a substitute which are printed in part D 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 on the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit H.R. 2432 with or without instructions.

Section 6 of the resolution provides that in the engrossment of H.R. 2728 the Clerk shall add the texts of H.R. 2729, H.R. 2730, H.R. 2731, and H.R. 2432, as passed by the House, as new matter at the end of H.R. 2728, and then lay on the table H.R. 2729, H.R. 2730, H.R. 2731, and H.R. 2432.

Finally, the rule provides that if H.R. 2728 is disposed of without reaching the stage of engrossment, then whichever of H.R. 2729, H.R. 2730, H.R. 2731, or H.R. 2432 that first passes the House shall be treated in the manner specified for H.R. 2728 and all other bills that have passed the House shall be laid on the table. Testimony was heard from Chairman Boehner and Representatives Ose, Kildee, and Tierney.

COMMITTEE MEETINGS FOR TUESDAY, MAY 18, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2005 for HIV/AIDS programs and research, 10:30 a.m., SD–124.

Committee on Banking, Housing, and Urban Affairs: to hold an oversight hearing to examine the Terrorism Risk Insurance Program, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold an oversight hearing to examine the Federal Aviation Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine implications of a recent change in reporting of small business contracts by the Department of Energy, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the way ahead in Iraq, 9:30 a.m., SD–106.

Full Committee, to hold hearings to examine the nominations of William R. Brownfield, of Texas, to be Ambassador to Venezuela, and John D. Rood, of Florida, to be Ambassador to the Bahamas, 2 p.m., SH–216.

Committee on the Judiciary: to hold hearings to examine the threat of animal and eco-terrorism, 10 a.m., SD–226.

Special Committee on Aging: to hold hearings to examine social security reform issues, and comparing the U.S. social security system with other nations', 10 a.m., SD–628.

House

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Supporting Our Intercollegiate Student-Athletes: Proposed NCAA Reforms," 3:30 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "NIH Ethics Concerns: Consulting Arrangements and Outside Awards," 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "SEC Proposal on Market Structure: How Will Investors Fare?" 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Improving Financial Oversight: A Private Sector View of Anti-Money Laundering Efforts," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, hearing entitled "First year on the job: Chief Human Capital Officers," 2 p.m., and to consider S. 129, Federal Workforce Flexibility Act of 2003, 3:30 p.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Ensuring Accuracy and Accountability in Lab Testing: Does the Experience of Maryland General Hospital Expose Cracks in the System?" 10:30 a.m., 2154 Rayburn.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled "How Can We Maximize Private Sector Participation in Transportation?" 10 a.m., 2247 Rayburn.

Committee on International Relations, hearing on Should China Join the Nuclear Suppliers Group? 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 3179, Anti-Terrorism Intelligence Tools Improvement Act of 2003, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled "Pushing the Border Out on Alien Smuggling: New Tools and Intelligence Initiatives," 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on The Chesapeake Bay in Your Community: A Restoration Plan, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 4045, To authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River; H.R. 3597, To authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California; and H.R. 2257, Lower Yellowstone Reclamation Projects Conveyance Act, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 4200, National Defense Authorization Act for Fiscal Year 2005, 10 a.m., H–313 Capitol.

Committee on Veterans' Affairs, oversight hearing on homeless assistance programs for veterans, 10:30 a.m., 334 Cannon

Permanent Select Committee on Intelligence, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive hearing to Review CIA's Compensation Reform Initiative, 3:30 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:45 a.m., Tuesday, May 18

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:45 a.m.) Senate will vote on final passage of H.R. 3104, Service Medals Act. Additionally, Senate will vote on the motion to invoke cloture on the nomination of Marcia G. Cooke, to be United States District Judge for the Southern District of Florida.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, May 18

House Chamber

Program for Tuesday: Rolled Votes on the following measures debated under suspension of the rules:

H.R. 3722—Undocumented Alien Emergency Medical Assistance Amendments of 2004;

H.R. 3740—Oscar Scott Woody Post Office Building Designation Act; and

H.R. 4193—Bobby Marshall Gentry Post Office Building Designation Act.

Consideration of H.R. 2728—Occupational Safety and Health Small Business Day in Court Act of 2004 (closed rule, one hour of debate).

Consideration of H.R. 2729—Occupational Safety and Health Review Commission Efficiency Act of 2004 (closed rule, one hour of debate).

Consideration of H.R. 2730—Occupational Safety and Health Independent Review of OSHA Citations Act of 2004 (closed rule, one hour of debate).

Consideration of H.R. 2731—Occupational Safety and Health Small Employer Access to Justice Act of 2004 (closed rule, one hour of debate).

Consideration of H.R. 2432—Paperwork and Regulatory Improvements Act of 2003 (structured rule).

Consideration of George Miller (CA) motion to instruct conferees on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for FY04.

Consideration of Stenholm motion to instruct conferees on S. Con. Res. 95, Concurrent Resolution on the Budget for FY05.

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