United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, JUNE 21, 2004 No. 86

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 2004.

I hereby appoint the Honorable RICK RENZI 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 Oregon (Mr. DEFAZIO) for 5 minutes.

THE FORGOTTEN WAR ON TERRORISM

Mr. DEFAZIO. Mr. Speaker, I think there is substantial agreement that the world, Iraq, the Middle East are better off without Saddam Hussein in power. But the question remains particularly as raised most recently and poignantly by General Zinni about the timing, necessity and the conduct of the Iraq war. No weapons of mass destruction, the push for model democracy and a vibrant capitalist free economy is not going so well, so the Bush administration has fallen back upon the idea that somehow there were substantial links between al Qaeda, 9–11 and Saddam Hussein.

Unfortunately, last week the 9–11 Commission, a truly bipartisan commission, came out with a statement in their most recent report, ''We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.'' Yet, the administration insists on trying to put 9–11, al Qaeda, and Iraq and Saddam Hussein in the same sentence or run-on sentence and paragraph all the time.

Vice President CHENEY has been even more outspoken on this issue. Of course, Vice President CHENEY is the same gentleman who in a closed-door meeting 3 years ago told the Northwest Energy Caucus that there was no collusion, Enron was not manipulating energy markets in the western United States. These were purely market forces. We were just really stupid and we did not understand, but he did.

Well, of course, he was kind of wrong and maybe even this week Ken Lay will be in a criminal indictment as others from Enron have gone to jail, and the appalling tapes that have come out.

Then, of course, Vice President CHENEY also is fond of saying that deficits do not matter. We are just indebting future generations of Americans. Working and wage earning people will pay the bill, while the wealthy and the big corporations skate in the future world that the Bush administration proposes.

So he is not exactly infallible and, unfortunately, I believe the 9–11 Commission is more right than he is, with one exception. There is one really bad guy, Abu Musab Zarqawi. He has now been blamed for more than 700 terrorist killings including U.S. troops in Iraq.

Now, the interesting thing is that the United States of America before the war with Iraq knew exactly where Zarqawi was and they could have taken him out. In fact, the Pentagon asked 3 times. Now, this is the President who was going to go anywhere and everywhere to take out known terrorist threats. This guy was a known terrorist threat. We knew exactly where he was. In fact, when Colin Powell made his famous presentation full of inaccuracies to the United Nations Security Council, the one accurate thing he did point to with a pointer was a terrorist training camp way up in Northern Iraq, inside the U.S. no-fly zone and protected by the Kurdish area, an area, in fact, that Saddam Hussein could not get to, and that is where Zarqawi was. And 3 times, 3 times the Pentagon asked to take him out.

The first time because they had good intelligence. The second time because they had intelligence that he was developing ricin and other chemical weapons. And then the third time they asked was after some of his cohorts were found with ricin in England.

They asked 3 times and 3 times the Bush National Security Council and the Bush administration turned down the Pentagon. This could have saved U.S. troops and lives and prevented a lot of the mayhem going on in Iraq today. But this administration was so distracted from the war on terror to the war against Iraq and Saddam Hussein that they let this guy go. They let him go. That is absolutely outrageous.

We have got to question whether the distraction from the war on terror, from Osama bin Laden, who is still out there plotting and planning and his second-in-command, who is still out there plotting and planning and this guy Zarqawi, who is out there plotting and planning, if we could have gotten them, if we had been focussed on the war on terror and following the principles that the President set out, instead of this obsession and this distraction and diversion into a war in Iraq where we pulled all of the intelligence

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out of that area and focussed it all on Iraq, they would not take out Zarqawi because they were afraid it might hurt their coalition building. Iceland might not have joined the Coalition of the Willing to take on Iraq, and some of those other major military powers that have been involved with the United States if we had taken out Zarqawi. They were worried that that would disturb that.

We would take out a real threat to our troops, to the region, to terrorism, to go after Saddam Hussein whose own people would have taken care of him some day.

He was surrounded. His military was a shadow of its former self. The sanctions were depleting his energies and the energies of his military day by day; and sooner or later, with encouragement, the Iraqi people would have taken care of that guy. They tried to kill him 13 times. They just were not successful. They might have got him on the 14th try. But this administration was obsessed with the war and dropped the war on terrorism.

CONGRESS MISSING IN ACTION

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

Mr. BLUMENAUER. Mr. Speaker, often we take to the floor to speak to the American public. Well, today I would like to speak to my colleagues in the House of Representatives and the men and women who are preparing their work for our floor action this week.

I would call to their attention that according to the Defense Department's own data, the program to clean up unexploded ordnance on formerly used defense sites will take as much as 252 years. That means in the year 2255 that Congress passing spending bills will still be appropriating money to deal with the problem that we could solve today.

Why, if we have technology that has already realized $100 million saving at the former Lowry Bombing Range outside of Denver, Colorado, why are we not moving forward to address this problem?

Despite the fact that this Defense Science Board has proposed 5 recommendations that would allow us to address this problem, 80 percent of it over the next 5 years, why do we do nothing but continue to study it? Worse yet, we have actually decreased the funding that is crippling the Department of Defense. It is burdening other Federal land management agencies and it is endangering the health and safety of the American public.

We have to ask why.

Is it because we need another tragedy to occur like what happened in San Diego when 2 boys were killed when they discovered bombs in their neighborhood that, unknown to the residents, sat on top of a former bombing range? Is it because somehow we do not need 8 million acres of land that we could put in productive use in 5 years instead of 252 years? Is it because we believe somehow this contamination exists only in isolated places when, in fact, it is in every State in the Union and almost every Congressional district? Are we somehow unaware that when wildfires strike our public lands from New York to Colorado to Alaska that many of these lands are former ranges?

Three times since I have been in Congress we had to pull men and women out of the front lines fighting the fires because the extreme heat is exploding bombs around them.

Is it because we are unaware of the plight of a North Carolina couple with 5 children who are risking bankruptcy because they moved out of their home when their young son found an old bomb in their front yard and they feared for the safety of their family? It is now a year-and-a-half later and they are still paying the mortgage on a home they cannot live in. They cannot sell it because the clean up has yet to begin because we underfund these programs.

Are we unaware that in the same area of North Carolina, the former Camp Butner, the Army Corps of Engineers has determined that they need to investigate another 20,000 acres for unexploded ordnance contamination? Yet, developers are buying up land and building homes before clean-up has even begun.

Can we in good conscience risk the health and safety of future residents? Is it because we do not know that other residential and business developments already exist or are being proposed in Texas, South Carolina, California, Colorado, here in Washington, D.C., and Massachusetts? Others will surely follow.

Is it because we are unaware that many of these unexploded bombs and discarded munitions are on tribal lands, thereby posing yet another hazard to the highly at-risk Native American population? Are we somehow unaware that the Federal land managers in the Bureau of Land Management, the Fish and Wildlife system, the National Forest Service, the National Park Service, where many of these former ranges are located, do not have the capacity needed to ensure the public safety?

Or is it despite the fact that the Department of Defense believes that ordnance and munitions on these formerly used sites poses enough of a national security risk to remove critical information about the sites from the public because they are afraid terrorists may find out, but we do not believe these same sites left untouched pose a risk to our citizens? Or is it simply that we hope that we can avert a tragedy in our lifetime and just pass this risk off to further future generations?

Whatever the reason, it is simply unacceptable. It is indeed unconscionable that we continue to turn a blind eye to a responsibility that we should be undertaking now.

After years of working on this issue and seeing Congress still missing in action, I will work this week to make sure that my colleagues have a chance to be heard, to take action that might help protect people at risk in the future.

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 12 o'clock and 43 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. TERRY) at 2 p.m.

PRAYER

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

Lord, Your steadfast love never ceases. Your mercy never comes to an end. They are renewed each day because Your faithfulness is so great.

As the House of Representatives begins this week of legislative business, be present to each Member and bind all together to accomplish great deeds for this Nation.

Because Your faithfulness made this such a great Nation, as a people we have an awesome responsibility. Anything we do has ramifications the world over. Make us strong enough and give us broad vision to embrace boldly what is required of us.

In You we find wisdom, prudence, and the courage to create a hopeful future for ourselves and for others both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CAPUANO 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.

DRILLING IN ANWR

(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, energy independence should be a goal of this Congress. Worldwide demand for petroleum has increased during the last decade, and the growth of production has been relatively flat. The inevitable result is higher prices at the gasoline pump, and the reality is that it takes time to go from the oil field to the gasoline station, and we have lost considerable time in this regard.

In 1995, in the 104th Congress, H.R. 2491, which was passed, would have allowed oil exploration in the Alaska National Wildlife Refuge. The Department of Energy has estimated that between 1 and 1.3 million barrels of oil a day could be derived from this source.

Unfortunately, in 1995, that legislation was vetoed by then-President Clinton.

That was nearly 10 years ago; and given a time line of 7 to 14 years for building the pipeline structure, it is time we can scarcely afford.

Mr. Speaker, I have been to ANWR. The vast coastal plain is unsuitable for habitation during the summer months because of its marshy consistency. Any caribou unlucky enough to calve in this region would likely die from exsanguination at the hands of the mosquitoes there.

The people in ANWR are counting on this Congress to do the right thing and allow them, the rightful owners of these mineral rights, to begin developing the resources that are granted to them upon statehood in 1959.

As we say in Texas, ''Time's a wasting.''

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.

COMMUNITY BANKING MONTH

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 591) expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as ''Community Banking Month.''

The Clerk read as follows:

H. RES. 591

Whereas, since our Nation's founding, community banks have supported their communities as they prospered and grew, and today more than 8,700 community banks continue the tradition of giving back to their local communities through nearly 40,000 banking offices;

Whereas, with more than $2,275,000,000,000 in assets, community banks know that when money stays in town it becomes a renewable resource, creating an economic cycle that constantly revitalizes and stimulates local communities;

Whereas community banks are working citizens in their communities in every sense of the word with more than 514,000 full-time and part-time employees;

Whereas these banks have made significant contributions to the economic well-being of our Nation through their financial support, their dedication as good neighbors and, above all, their service as financially sound and reliable sources of economic lifeblood in our communities;

Whereas the Nation's community banks focus on the prosperity of individuals and small businesses in their hometowns and have reinvested, on average, 95 percent of their loan portfolio in their own communities through home mortgages and small business, agricultural, and student loans;

Whereas community banks play a significant role in local economic development efforts by financing new businesses and stimulating the economy to produce jobs and new opportunities and, as a group, they contribute an important and strong part of the Nation's economic fabric;

Whereas community banks have made nearly 3,160,000 loans to small businesses, totaling over $275,500,000,000 and nearly 720,500 loans to small farms, totaling nearly $37,500,000,000;

Whereas community banks also enjoy the trust of their customers; indeed, community banks are just neighbors are helping neighbors build their homes, save for higher education, plan for retirement and fulfill other dreams; and

Whereas community banks have long helped in the development of our communities and the Nation as a whole, and are fully prepared to make many more contributions: Now, therefore, be it

Resolved, That—

(1) the House of Representatives expresses its gratitude for the contributions made by America's community banks to the Nation's economic well-being and prosperity; and

(2) it is the sense of the House of Representatives that—

(A) a ''Community Banking Month'' should be designated to raise public awareness of, and public appreciation for, the contributions of the helpful institutions that are our Nation's community banks; and

(B) the President should issue a proclamation calling on the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert any extraneous materials on the resolution.

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

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H. Res. 591 expresses the gratitude for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as Community Banking Month. This legislation was introduced by the gentleman from Alabama (Mr. BACHUS) to recognize community banks for their contribution to the very fabric of our community.

Community banks help to shape communities into centers of commerce and entrepreneurship and provide for community and industrial development.

Community bankers are themselves among the leading leaders of our community, engaging in civic and benevolent activities. Nationwide, there are over 8,700 community banks serving their local communities through almost 40,000 banking offices.

Community banks have reinvested on average 95 percent of their loan portfolio in their own communities through home mortgages and small businesses, agricultural, and student loans. This reinvestment plays an important role in local economic development and in efforts to finance new businesses, as well as stimulating the local economy to produce jobs and new opportunities.

Community banks are themselves small businesses, so they understand the needs of small business owners. Their core concern is lending to small businesses and farms. Studies have shown that they are the primary advisors to small businesses.

Community banks have made nearly 3,160,000 loans to small businesses, and over 720,500 loans to small farms.

Mr. Speaker, on behalf of the community banks and in recognition of their great contribution to our local communities and to our small businesses around the country.

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

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

Mr. Speaker, I rise in support of H. Res. 591, a resolution recognizing the contributions of community banks to the Nation's economic well-being and prosperity and expressing the sense of the House that a month should be designated as Community Banking Month.

Community banks play a vital role for our country. Of the 7,712 commercial banks in operation today, all but 419 are community banks having assets of less than $1 billion. Community banks are known for being close to their customers and provide the leadership for many civic endeavors. These bankers are able to make loan decisions locally and reinvest local deposits into their local communities.

Community bankers also are active in helping people understand the sometimes complex nature of the banking business. Many community bankers participate in efforts to help consumers

know the dangers posed by identity thieves. In Georgia, for example, these bankers made presentations to almost 50,000 of our citizens, giving them tips on how to avoid becoming a victim. These same bankers also helped educate our citizens on how to apply for a business loan, how to choose banking as a career, and how to get a mortgage refinanced.

While the total number of community banks in the United States is decreasing due to consolidation, new community banks are proliferating. In fact, 1999 witnessed the highest number of new community banks formed in nearly a decade, with 268 new charters reported.

Community banks focus attention on the needs of local families, businesses, and farmers. They channel most of their loans in the neighborhoods where their depositors live and work. Community banks offer their customers services at attractive prices. For example, average rates for checking accounts and other depository services on average are 15 percent lower at small banks than at large, multistate institutions, according to the 2001 PIRG report.

They can offer nimble decision-making on business loans, because decisions are made locally. And because community banks are themselves small businesses, they understand the needs of small business owners. Their core concern is lending to small businesses and farms.

What does it mean to be a community bank? Community banking is a devotion to serving community customers and communities. They put people into homes, serve small businesses, and help them grow and prosper. They provide student loans and set up retirement plans for their customers.

Mr. Speaker, community banks and the more than half a million people who work for them truly deserve our recognition for their contributions to the Nation's economy and well-being.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H. Res. 591, a resolution expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as ''Community Banking Month''. Community banks are the lifeblood of our local economies, and this is an appropriate way to recognize their contribution.

Mr. Speaker, I am including for the record correspondence between the gentleman from Virginia (Mr. DAVIS) and myself regarding the jurisdictional interest of the Committee on Government Reform. I appreciate his efforts in permitting this resolution to reach the floor quickly.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 21, 2004.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for consulting with the Government Reform Committee regarding H. Res. 591, expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as ''Community Banking Month.'' As you know, the Committee on Government Reform has jurisdiction over holidays and celebrations.

Because of your willingness to consult with my committee, I will not seek a sequential referral of the resolution to the Committee on Government Reform. By agreeing to not seek sequential referral, the Government Reform Committee does not waive its jurisdiction over H. Res. 591. I respectfully request that you include this letter and your response in the Congressional Record during consideration of this legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 21, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: Thank you for your recent letter regarding your Committee's jurisdictional interest in H. Res. 591, a resolution expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as ''Community Banking Month''.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in allowing speedy consideration of the resolution. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Government Reform with respect to its jurisdictional prerogatives on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House

Thank you again for your assistance.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. BEAUPREZ. Mr. Speaker, I rise in support of H. Res. 591, and to honor the significant, longstanding contribution of America's Community Banks.

In hometowns all across America, Community Banks have been the anchor for countless generations.

Moms and dads raising families, educating their children, planning for a comfortable retirement; farmers, entrepreneurs and innumerable small businesses that are the cornerstone of our free-market economy; churches, hospitals, schools, civic organizations—indeed the entire fabric of America's culture—all know they have a partner and friend in their hometown Community Bank.

Jimmy Stewart romanticized the legacy of hometown bankers as George Bailey in the Christmastime classic, ''It's a Wonderful Life''.

Mr. Speaker, while the movie's plot was fictional, in neighborhoods and towns all across America, there are real life George Baileys that work hard and nobly, extend a helping hand, help see families and businesses through difficulties, and make dreams come true on a daily basis.

Like the other small businesses in America's hometowns, Community Banks are typically owned by the folks right there in the community. They know their neighbors, and their neighbors know them. They know a handshake still matters. Their kids go to school together, and they see each other at church.

Community Banks depend on the people in the community for their success, and the community depends on the bank to be there for them—through good times and tough times. It's a partnership that isn't drawn up on any contract, but it is understood and established with a bond far stronger than paper and ink.

So, Mr. Speaker, I proudly support H. Res. 591, and urge all my colleagues in the House to join me in expressing gratitude for the contribution of our Nation's Community Banks, as one of our country's great traditions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 591 which recognizes the contributions made by America's community banks to this Nation's economic well-being and prosperity. These community banks are imperative to the success of any local community. Their recognition today is well deserved and I am in support of the effort to designate one month as Community Banking Month.

Community banks, while often overlooked, offer many advantages to the people and areas they serve. Community banks focus attention on the needs of local families, businesses, and farmers. Community banks channel most of their loans to the neighborhoods where their depositors live and work. Community bank officers are typically deeply involved in local community affairs. Many community banks are willing to consider character, family history and discretionary spending in making loans. Finally, because community banks are themselves small businesses, they understand the needs of small business owners. Their core concern is lending to small businesses and farms. Studies show that they are the primary advisers of small businesses. It is fairly evident that community banks are truly built by the community's efforts to serve the community's interests.

I am of the belief that a Community Banking Month will help truly reflect the necessary efforts that community banks make to serve their customers. Not all businesses can be large, not all banks can be national; there will always be a need for these services to be provided on the community level. I want to thank all the community banks in Houston and throughout the United States who on a day like today will help some young couple secure their first home mortgage or allow a young student to go to college by extending a student loan. It is moments like these and the opportunities they provide that truly allow us to realize our own piece of the American Dream.

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

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and agree to the resolution, H. Res. 591.

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. RENZI. 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.

HOMEOWNERSHIP OPPORTUNITIES FOR NATIVE AMERICANS ACT OF 2004

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4471) to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

The Clerk read as follows:

H.R. 4471

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 ''Homeownership Opportunities for Native Americans Act of 2004''.

SEC. 2. FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.

Section 601 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON PERCENTAGE.—A guarantee made under this title shall guarantee repayment of 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona. (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert any extraneous material thereon.

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

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am thankful to have on the House floor today H.R. 4471, the Homeownership Opportunities For Native Americans Act, which I introduced earlier this week with my colleague, the gentleman from Utah. (Mr. MATHESON).

This bill simply returns the guarantee level for the title VI program to 95 percent. HUD had been administering guarantees at this level until OMB, for technical statutory reasons, reduced it to 80 percent.

The lower guaranteed level would mean less participation in this program. Private investors are slowly becoming more comfortable investing in Indian country, and it is critical that this relationship remain in a fostered environment. To this point, asking investors to accept a 20 percent risk rather than the 5 percent that they had before will do nothing but impede the much-needed development in these areas.

This past May, the Subcommittee on Housing of the Committee on Financial Services held a hearing on the Navajo Reservation in Tuba City, Arizona. We saw children with asthma living in houses with dirt floors and collapsing ceilings. Decreasing the guarantee rate essentially decreases the chance that these children will be able to move from homes in deplorable conditions into safe and healthy homes.

The title VI loan guarantee assists federally recognized tribes and tribally designated housing entities who want to finance eligible, affordable housing activities, but are unable to secure financing without the assistance of Federal guarantees.

This program is very well collateralized, as tribes must pledge current and future housing block grant guarantee appropriations for the repayment of these guaranteed funds. This program has administered $77 million in guarantees and has not experienced even one single default.

I thank the gentleman from Ohio (Chairman NEY); the gentlewoman from California (Ms. WATERS), the ranking member; and the gentleman from Utah (Mr. MATHESON) for their enthusiasm on this issue and the support behind this bill.

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

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

Mr. Speaker, today, the House takes up important housing legislation to help Native American communities across America achieve homeownership.

The bill we are taking up today is a direct result of a recent hearing held by the Subcommittee on Housing of the Committee on Financial Services, of which I am a member, in the Navajo Nation. With the leadership of the subcommittee chairman, the gentleman from Ohio (Mr. NEY), and the gentlewoman from California (Ms. WATERS), the ranking member, the subcommittee learned of the significant housing challenges facing our Native American communities. Members who attended the hearing in the Navajo Nation came back to report enormous challenges in housing conditions that resemble those of some Third World nations. This bill is the first legislative result of that important field hearing.

The legislation was introduced by the gentleman from Arizona (Mr. RENZI) and the gentleman from Utah (Mr. MATHESON), both of whom represent the Navajo Nation. I commend the leadership of both my colleagues on this legislation.

□ 1415

Unfortunately, the gentleman from Utah (Mr. MATHESON) was unable to be here today at this time. And I am pleased to be here representing him in his absence on behalf of this important legislation that will, as I stated, help Native Americans achieve home ownership. The gentleman from Utah (Mr. MATHESON) has exercised great leadership, not only in housing issues for Native Americans, but for giving his Navajo Nation constituents a strong voice in Congress.

This bill sets the loan guarantee level at 95 percent for a vital Native American housing program at HUD. This is the level that has been used since its implementation. However, the law is currently silent regarding the loan guarantee level and HUD would be forced by administrative rule to lower that level to 80 percent, unless Congress sets the level at 95 percent, which this bill will accomplish for the purposes that ensure that the very important housing program will continue to be used to help our Native American friends.

Again, I would like it to thank the gentleman from Ohio (Mr. NEY) and the ranking member, the gentlewoman from California (Ms. WATERS) for their leadership in convening the field hearing in the Navaho Nation that led to this important legislation. I commend the leadership of the gentleman from Arizona (Mr. RENZI) on this bill and his efforts on behalf of the Navaho people. I also would like to express appreciation to my esteemed colleague, the gentleman from Utah (Mr. MATHESON), for being a leader on this bill and for being a strong leader and advocate in Congress for all Native American items.

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

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today in support of my colleague, Mr. RENZI's bill, the Homeownership Opportunities for Native Americans Act. I would like to begin by commending the gentleman from Arizona (Mr. RENZI) for the important work he is doing in the area of Native American housing. He is shining a light on the vital need for safe and affordable housing on Indian reservations all across this country, a need that runs deep, a need which our government has all too often failed to address.

I was unable to attend the Housing Subcommittee hearing earlier this year that has been referenced in the district of the gentleman from Arizona (Mr. RENZI), but I have several reservations in my district and my own State, and I know firsthand just how critical the need for housing is.

H.R. 4471 amends the Native American Housing Assistance and Self-Determination Act of 1996 to provide statutory authority for the Title VI program to continue to operate at a 95 percent loan guarantee level. While the program has been operating at this level for some time, a recent decision by OMB to reduce the loan guarantee

to 80 percent has put this program into jeopardy.

Mr. Speaker, the Title VI guarantee program has issued over 77 million dollars in loan guarantees. It has never experienced a default. The Federal Government should not be in the business of making it harder for Indian tribes to access assistance in affordable housing. We must reach out to local tribal organizations and leaders and do more to help them meet their many pressing housing challenges.

I urge my colleagues to support this legislation in order to ensure continued affordable housing opportunities for Native Americans all across this country. It is an excellent piece of legislation.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 4471, the Homeownership Opportunities for Native Americans Act.

Under Title VI of the Native American Housing Assistance and Self-Determination Act, HUD guarantees tribal obligations to help finance affordable housing activities. The Title VI loan assists Indian Housing Block Grant borrowers who wish to finance eligible affordable housing activities, but are unable to secure financing without the assistance of a Federal guarantee.

Native Americans deserve decent housing, a suitable living environment, and economic opportunities. Title VI helps make this happen.

During the previous administration, Title VI guaranteed up to 95 percent of a loan. In fact, several loans are currently pending based on the 95 percent loan guarantee level.

Unfortunately, the Office of Management and Budget is now saying that loan guarantees cannot be greater than 80 percent of a loan.

This bill would allow Title VI to continue to guarantee loans up to 95 percent.

I want to thank Congressman RENZI and Congressman MATHESON, the authors of this bill. They understand that all Americans are entitled to the American dream.

For too long our Native American brothers and sisters have been treated like second-class citizens. This bill is a strong step towards putting Native Americans on a fair playing field.

Mr. RENZI. Mr. Speaker, I have no other speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4471.

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.

HELPING HANDS FOR HOMEOWNERSHIP ACT OF 2004

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4363) to facilitate self-help housing homeownership opportunities, as amended.

The Clerk read as follows:

H.R. 4363

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 ''Helping Hands for Homeownership Act of 2004''.

SEC. 2. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

Paragraph (1) of section 11(b) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking ''dwelling'' and inserting ''dwellings''.

SEC. 3. DESIGNATION OF DOUG BEREUTER SECTION 502 SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Cranston-Gonzalez National Affordable Housing Act, enacted November 28, 1990, established the section 502 single family housing loan guarantee program of the Rural Housing Service of the United States Department of Agriculture;

(2) Congressman Doug Bereuter of Nebraska was the legislative author of the single family housing loan guarantee program;

(3) 316,625 single family loans have been guaranteed under the program since its implementation in 1991;

(4) the program facilitates home ownership for low- to moderate-income borrowers in rural areas and nonmetropolitan communities who are unable to obtain conventional home mortgage financing; and

(5) in 2003, the average income of a borrower with a loan guaranteed under the section 502 guarantee program was $34,124.

(b) DESIGNATION.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (1) through (13) as paragraphs (2) through (14), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) SHORT TITLE.—This subsection may be cited as the 'Doug Bereuter Section 502 Single Family Housing Loan Guarantee Act'.''; and

(3) by striking the subsection designation and heading and inserting the following:

''(h) DOUG BEREUTER SECTION 502 SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.—''.

(c) CONFORMING AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)), as amended by section 2 of this Act, is further amended—

(1) in paragraph (5)(A), by striking ''paragraph (12)(A)'' and inserting ''paragraph (13)''; and

(2) in paragraph (14)—

(A) in subparagraph (A), by striking ''GENERAL'' and inserting ''GENERAL''; and

(B) in subparagraph (E)—

(i) by striking ''paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9)'' and inserting ''paragraph (2) and paragraphs (3), (6), (7)(A), (8), and (10)''; and

(ii) by striking ''paragraphs (1) through (12)'' and inserting ''paragraphs (2) through (13)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Massachusetts (Mr. CAPUANO) 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 this legislation.

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 5 minutes.

Mr. Speaker, I rise today in support of H.R. 4363, the Helping Hands for Homeownership Act of 2004. I would like to begin by thanking the financial services chairman, the gentleman from Ohio (Mr. OXLEY), the ranking member, the gentleman from Massachusetts (Mr. FRANK), and the housing subcommittee chairman, the gentleman from Ohio (Mr. NEY) for expeditiously considering this bill and, of course, my co-author, the gentleman from Tennessee (Mr. FORD).

Mr. Speaker, it is very fitting that we are taking this measure up this week for three reasons. First, of course, June is Homeownership Month. A lot of things have changed in American culture over the years, but one thing has not, homeownership remains the cornerstone of the American dream. The chance to own, the chance to enhance and improve your own home to suit your needs and reflect your own values and personality is very much at the heart of the American ideal. But it is more than that. Homeownership can be the foundation of vibrant neighborhoods and communities. People take better care of their neighborhood when they have a direct stake, financially and otherwise in that neighborhood's future.

I think one of the greatest responsibilities we have in Congress is to make it possible for more Americans from all backgrounds and all walks of life to grasp on to the dream of home ownership. In other words, we must work to make that dream come true, very true, and not just for the most affluent among us.

The second reason it is so appropriate for us to take up and pass this measure today is that it re-enforces the role and the need for non profit and private organizations to help meet this challenge. Last year, the most famous of these organizations, Habitat For Humanity, dedicated its fifty-thousandth and fifty-thousand and first homes in the United States. In its 27-plus years of work, work that began in very modest, very humble ways, Habitat has provided affordable housing for some 750,000 people worldwide.

In the U.S. alone, Habitat has more than 1,670 affiliates covering approximately 80 percent of our population. One of the top producing affiliates is in my home State of Wisconsin. The Milwaukee area Habitat For Humanity built 21 new homes in 2002 alone. That means 21 Milwaukee families realized the American dream. And many Milwaukee neighborhoods gained new stakeholders in the push for a brighter future.

Habitat is the model for faith-based initiatives that Congress does and

should support. It fulfills its mission not merely by preaching but by example, by putting its compassion to work. As one of its most recent publications states, ''Just as Jesus Christ healed the sick, fed the hungry and restored the soul sick one person at a time, Habitat's strength is in its commitment to eliminate substandard housing one family at a time.''

Now, most Americans have heard of Habitat for Humanity. They probably have not heard, however, of how Congress has helped Habitat enhance and expand its work. For example, in 1996, Congress created the Self-Help Home Ownership Opportunity program, called the SHOP program for short. This program offers competitive grants for non profit groups like habitat for humanity to help with land and infrastructure experiences, clearly the two big-ticket items that are necessary for home building.

SHOP funds help fund local groups across the country, help them acquire sites for affordable home and community building. These funds help housing advocates leverage their precious resources and make them go much further, reaching more families and lifting more communities.

However, recent legal interpretation of the 1996 law is jeopardizing the chance for some local groups like many of Habitat's affiliates, to participate in SHOP funded bills. In its 2004 notice of funds available, HUD has concluded that H.R. 4363, the SHOP program, the sweat equity hours that must be fulfilled by the benefiting homeowners, must be earned constructing their own home.

The problem for groups like Habitat is that they are often built on a community building mission and model. Their programs allow folks to earn sweat equity hours on their homes but also the homes of others. For instance, many habitat affiliates run blitz builds where they build a house in one day. Clearly, 24 hours will not be enough for a homeowner to meet the sweat equity requirements under the SHOP interpretation. So Habitat allows for them to participate in other builds to gain additional hours.

In fact, by working on other family's homes, the program has an even greater community development value. It helps build a sense of neighborhood.

H.R. 4363, introduced by the gentleman from Tennessee (Mr. FORD), and myself, makes a technical correction to the SHOP Act and restores the original intent of Congress when it created this program. It allows for blitz build and other community building models to continue the access to precious seed money that SHOP offers.

Finally, Mr. Speaker, the timing of today's action is appropriate because this bill also honors one of our most widely respected colleagues in the House. Have had the distinct pleasure of serving with the gentleman from Nebraska (Mr. BEREUTER) on both the Committee on Financial Services and Committee on International Relation. He is, as anyone here will attest, one of the brightest and most genuine individuals serving in Congress.

My colleague from Nebraska has made his mark in many different areas, but perhaps one of his greatest legacies of the creation of the USDA section 502 single family housing loan guarantee program. Thousands of Americans living in rural parts of country have been able to achieve homeownership through this program. I am honored that this bill will rename the section 502 program after its founder, the gentleman from Nebraska (Congressman BEREUTER). I cannot think of a more fitting tribute. I am honored to have had the chance to work with him for the past few years. I wish he and his family nothing but the best.

Mr. Speaker, I urge my colleagues to support this bill.

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

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

Mr. Speaker, today the House takes up important housing legislation to help communities across America achieve homeownership. The bill we are taking up today was recently passed by a voice vote from the Committee on Financial Services.

H.R. 4363, Helping Hands For Homeownership Act of 2004, introduced by the gentleman from Wisconsin (Mr. GREEN) would make a technical correction for the Housing Opportunity Program Extension Act of 1996 to permit families who receive homes from groups such as Habitat for Humanity to fulfill the sweat equity requirements for receiving self-help homeownership opportunity program funds or SHOP funds by helping to build other Habitat homes in the community in addition to their own.

SHOP provides competitive grants for groups such as Habitat to help with land and infrastructure expenses. This change fulfills the original intent of Congress and corrects the U.S. Department of Housing and Urban Development interpretation which create a hurdle to home ownership, the exact opposite of HUD's mission.

In 1996, Congress created the SHOP program to provide grants to non-profit groups like Habitat for Humanity to help with land and infrastructure expenses. However, because of a new interpretation of SHOP by HUD, Habitat's involvement in the program was placed in jeopardy. Under the new interpretation, families are required to contribute sweat equity labor hours towards the construction of their own home. The legislation of the gentleman from Wisconsin (Mr. GREEN) changes this to allow families to accumulate their sweat equity hours by working on both their own homes and other Habitat homes.

These grants are essential in helping groups like Habitat carry out their mission of building stronger communities. By correcting this problem Congress, will remove a major barrier to home ownership for low income families and give them a chance to help other families in their communities.

Habitat for Humanity's headquarters located Georgia provides information, training and a variety of other support services to Habitat affiliates throughout the world. Habitat for Humanity International is a non-profit, ecumenical, Christian housing ministry. They seek to eliminate poverty housing and homelessness from around the world and to make decent shelter a matter of conscience and action. Habitat invites people of all backgrounds, races and religions to build houses together in partnership with families in need.

Habitat has built more than 150,000 houses around the world providing more than 750,000 people in more than 3,000 communities with safe, decent, and affordable shelter. They were founded in 1976 by Millard Fuller, along with his wife Linda.

Mr. Speaker, I ask that this bill be passed.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I would like to, first of all, congratulate the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Tennessee (Mr. FORD) for bringing forth this legislation, and for really identifying the need for a correction in this very impactful portion of our statute.

As the gentleman had said, there was a recent interpretation of a statute which simply makes achieving the dream of home ownership that much more unattainable, and we are here today to try and make that correction so we can continue as the gentlemen from Massachusetts and Wisconsin have said, making the dream of home ownership that much more attainable.

□ 1430

Many of us have worked on houses which have been built under this program. The gentleman mentions Habitat for Humanity. I think all of us have done that.

Recently, 2 weeks ago, I did participate in the construction of a house with Habitat and with the Richmond Association of Realtors; and in that project, I think the house was completed in 4 days. So we can see the problem: if we require an individual to exhort 200 hours, let us say, of his own sweat equity and try and squeeze that into 4 days during the construction period, it is just not going to work.

So a looser or more flexible interpretation of this, which does not take away from the volunteer requirement of the requisite number of hours, I think accomplishes two things. One, it allows an individual to continue to benefit from the SHOP program; but it

also encourages volunteerism and makes that volunteerism more workable to be able to fit into that homeowner's work schedule. Many of the homeowners are single parents, obviously with the parental obligations that come with that role as well.

So, Mr. Speaker, I am here to congratulate and endorse this legislation and urge its passage.

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 4363, the Helping Hands for Homeownership Act.

I am pleased to be a cosponsor of this very important legislation.

The legislation corrects an interpretation by the Department of Housing and Urban Development (HUD) in Fiscal Year 2004 which prevents families who received Self-Help Homeownership Opportunity Program funds from fulfilling their ''sweat equity'' requirement by working on other program homes.

The legislation corrects this interpretation by HUD and clarifies Congress' intent to permit organizations like Habitat for Humanity to allow their homeowners to work on other homes to fulfill their sweat equity requirements.

Each Habitat for Humanity Chapter has established its own requirement for sweat equity hours.

The Habitat for Humanity chapter in Grand Island, Nebraska, requires their homeowners to put in 500 hours of sweat equity.

Mr. Speaker, there have been several instances where the homeowners have put most of their sweat equity into other Habitat for Humanity Homes to fulfill the 500 hour requirement.

I would like to give you two examples.

One Habitat family's home was primarily built by a local high school as learning project.

The family did put sweat equity hours into their home, but had to put the additional required hours into other Habitat homes to complete their sweat equity.

Under this interpretation by HUD, the family would not have been allowed to live in this home since they would not have been able to complete the 500 hours of sweat equity that was required.

Another example from the same chapter was of a family who had completed most of their sweat equity hours in other Habitat homes in the community before construction was to begin on their home.

Before construction was to begin on their home, another Habitat home that had been completed earlier became available when a Habitat family moved out of town, allowing this family an opportunity to purchase the home and move in.

Had this interpretation by HUD been in place, the family would not have been allowed to move into this home because they had not put 500 hours of sweat equity into this Habitat home.

Mr. Speaker, I would like to thank Mr. GREEN for introducing this important legislation.

I would also like to thank Chairman OXLEY and Ranking Member FRANK FOR including an amendment to this legislation that will change the name of the USDA Section 502 Single Family Housing Loan Guarantee Program to the DOUG BEREUTER Section 502 Single Family Housing Loan Guarantee Program.

My colleague, Mr. BEREUTER, was the legislative author of this very important program which was enacted on November 28, 1990.

Since 1990, the program has assisted low- to moderate-income borrowers in obtaining over 316,000 single-family home loans in rural and non-metropolitan communities.

Mr. BEREUTER will be retiring from the House at the end of August, 2004, and this is an appropriate way to thank Mr. BEREUTER for all of his hard work on this essential program that has helped thousands of families become homeowners in rural and non-metropolitan areas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4363: Helping Hands for Homeownership Act of 2004, which amends the housing opportunity program extension act of 1996 to permit a homeowner under the sweat equity model program to perform required construction time on more than one dwelling.

The ''Helping Hands for Homeownership Act of 2004'' (H.R. 4363) will permit prospective homebuyers to qualify for ''sweat equity'' credit when they work on multiple houses rather than exclusively on their own home. This important change will enable Americans to gain valuable labor skills, foster stronger communities, and make more Americans homeowners by making home ownership more accessible.

Sweat equity programs allows families and individuals to purchase a home in return for their labor. These programs significantly reduce construction and rehabilitation costs, as well as financial contributions.

As the Housing Opportunity Program Extension Act currently stands, individuals participating in sweat equity programs are permitted to work on only one dwelling to perform required construction time. With this act, we will extend the opportunity for individuals to work on multiple dwellings, which will provide Americans with greater access to home ownership.

In a country where a home valued at more than $170,000.00 is considered affordable, we must take measures to make home ownership more realistic for the average American. What better way to build community than to provide financial incentives to perform required construction time on more than one dwelling?

It is our responsibility to make sure that our children are not exposed to increased risk of diseases like asthma because of the lack of affordable, decent housing. We have the opportunity to extend the opportunity for success, community and home ownership by enabling those participating in sweat equity programs to work on more than one dwelling.

Mr. Speaker, I would like to urge my colleagues to support a H.R. 4363, a bill that actually empowers individuals to become home owners, builds communities, and provides citizens with valuable skill sets. Affordable and decent housing should be a right in this country, and providing citizens with more accessibility to home ownership is our duty.

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

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. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 4363, 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. GREEN of Wisconsin. 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.

BUNNING-BEREUTER-BLUMENAUER FLOOD INSURANCE REFORM ACT OF 2004

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2238) to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

The Clerk read as follows:

S. 2238

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bunning-Bereuter-Blumenaur Flood Insurance Reform Act of 2004''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

Sec. 101. Extension of program and consolidation of authorizations.
Sec. 102. Establishment of pilot program for mitigation of severe repetitive loss properties.
Sec. 103. Amendments to existing flood mitigation assistance program.
Sec. 104. FEMA authority to fund mitigation activities for individual repetitive claims properties.
Sec. 105. Amendments to additional coverage for compliance with land use and control measures.
Sec. 106. Actuarial rate properties.
Sec. 107. Geospatial digital flood hazard data.
Sec. 108. Replacement of mobile homes on original sites.
Sec. 109. Reiteration of FEMA responsibility to map mudslides.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Supplemental forms.
Sec. 203. Acknowledgement form.
Sec. 204. Flood insurance claims handbook.
Sec. 205. Appeal of decisions relating to flood insurance coverage.
Sec. 206. Study and report on use of cost compliance coverage.
Sec. 207. Minimum training and education requirements.
Sec. 208. GAO study and report.
Sec. 209. Prospective payment of flood insurance premiums.
Sec. 210. Report on changes to fee schedule or fee payment arrangements.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the national flood insurance program—

(A) identifies the flood risk;

(B) provides flood risk information to the public;

(C) encourages State and local governments to make appropriate land use adjustments to constrict the development of land

which is exposed to flood damage and minimize damage caused by flood losses; and

(D) makes flood insurance available on a nationwide basis that would otherwise not be available, to accelerate recovery from floods, mitigate future losses, save lives, and reduce the personal and national costs of flood disasters;

(2) the national flood insurance program insures approximately 4,400,000 policyholders;

(3) approximately 48,000 properties currently insured under the program have experienced, within a 10-year period, 2 or more flood losses where each such loss exceeds the amount $1,000;

(4) approximately 10,000 of these repetitive-loss properties have experienced either 2 or 3 losses that cumulatively exceed building value or 4 or more losses, each exceeding $1,000;

(5) repetitive-loss properties constitute a significant drain on the resources of the national flood insurance program, costing about $200,000,000 annually;

(6) repetitive-loss properties comprise approximately 1 percent of currently insured properties but are expected to account for 25 to 30 percent of claims losses;

(7) the vast majority of repetitive-loss properties were built before local community implementation of floodplain management standards under the program and thus are eligible for subsidized flood insurance;

(8) while some property owners take advantage of the program allowing subsidized flood insurance without requiring mitigation action, others are trapped in a vicious cycle of suffering flooding, then repairing flood damage, then suffering flooding, without the means to mitigate losses or move out of harm's way;

(9) mitigation of repetitive-loss properties through buyouts, elevations, relocations, or flood-proofing will produce savings for policyholders under the program and for Federal taxpayers through reduced flood insurance losses and reduced Federal disaster assistance;

(10) a strategy of making mitigation offers aimed at high-priority repetitive-loss properties and shifting more of the burden of recovery costs to property owners who choose to remain vulnerable to repetitive flood damage can encourage property owners to take appropriate actions that reduce loss of life and property damage and benefit the financial soundness of the program;

(11) the method for addressing repetitive-loss properties should be flexible enough to take into consideration legitimate circumstances that may prevent an owner from taking a mitigation action; and

(12) focusing the mitigation and buy-out of repetitive loss properties upon communities and property owners that choose to voluntarily participate in a mitigation and buy-out program will maximize the benefits of such a program, while minimizing any adverse impact on communities and property owners.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

SEC. 101. EXTENSION OF PROGRAM AND CONSOLIDATION OF AUTHORIZATIONS.

(a) BORROWING AUTHORITY.—The first sentence of section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), is amended by striking ''through December'' and all that follows through '', and'' and inserting ''through the date specified in section 1319, and''.

(b) AUTHORITY FOR CONTRACTS.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking ''after'' and all that follows and inserting ''after September 30, 2008.''.

(c) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)), is amended by striking ''during the period'' and all that follows through ''in accordance'' and inserting ''during the period ending on the date specified in section 1319, in accordance''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.—Section 1376(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)), is amended by striking ''through'' and all that follows and inserting ''through the date specified in section 1319, for studies under this title.''.

SEC. 102. ESTABLISHMENT OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—The National Flood Insurance Act of 1968 is amended by inserting after section 1361 (42 U.S.C. 4102) the following:

''SEC. 1361A. PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

''(a) AUTHORITY.—To the extent amounts are made available for use under this section, the Director may, subject to the limitations of this section, provide financial assistance to States and communities that decide to participate in the pilot program established under this section for taking actions with respect to severe repetitive loss properties (as such term is defined in subsection (b)) to mitigate flood damage to such properties and losses to the National Flood Insurance Fund from such properties.

''(b) SEVERE REPETITIVE LOSS PROPERTY.—For purposes of this section, the term 'severe repetitive loss property' has the following meaning:

''(1) SINGLE-FAMILY PROPERTIES.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

''(A) is covered under a contract for flood insurance made available under this title; and

''(B) has incurred flood-related damage—

''(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or

''(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

''(2) MULTIFAMILY PROPERTIES.—In the case of a property consisting of 5 or more residences, such term shall have such meaning as the Director shall by regulation provide.

''(c) ELIGIBLE ACTIVITIES.—Amounts provided under this section to a State or community may be used only for the following activities:

''(1) MITIGATION ACTIVITIES.—To carry out mitigation activities that reduce flood damages to severe repetitive loss properties, including elevation, relocation, demolition, and floodproofing of structures, and minor physical localized flood control projects, and the demolition and rebuilding of properties to at least Base Flood Elevation or greater, if required by any local ordinance.

''(2) PURCHASE.—To purchase severe repetitive loss properties, subject to subsection (g).

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in any fiscal year the Director may not provide assistance under this section to a State or community in an amount exceeding 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds for carrying out the eligible activities to be funded with such assistance amounts.

''(2) REDUCED COMMUNITY MATCH.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

''(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

''(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.

''(3) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, in-kind contributions, any salary paid to staff to carry out the eligible activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

''(e) NOTICE OF MITIGATION PROGRAM.—

''(1) IN GENERAL.—Upon selecting a State or community to receive assistance under subsection (a) to carry out eligible activities, the Director shall notify the owners of a severe repetitive loss property, in plain language, within that State or community—

''(A) that their property meets the definition of a severe repetitive loss property under this section;

''(B) that they may receive an offer of assistance under this section;

''(C) of the types of assistance potentially available under this section;

''(D) of the implications of declining such offer of assistance under this section; and

''(E) that there is a right to appeal under this section.

''(2) IDENTIFICATION OF SEVERE REPETITIVE LOSS PROPERTIES.—The Director shall take such steps as are necessary to identify severe repetitive loss properties, and submit that information to the relevant States and communities.

''(f) STANDARDS FOR MITIGATION OFFERS.—The program under this section for providing assistance for eligible activities for severe repetitive loss properties shall be subject to the following limitations:

''(1) PRIORITY.—In determining the properties for which to provide assistance for eligible activities under subsection (c), the Director shall provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time, in a manner consistent with the allocation formula under paragraph (5).

''(2) OFFERS.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties to take eligible activities under subsection (c) as soon as practicable.

''(3) CONSULTATION.—In determining for which eligible activities under subsection (c) to provide assistance with respect to a severe repetitive loss property, the relevant States and communities shall consult, to the extent practicable, with the owner of the property.

''(4) DEFERENCE TO LOCAL MITIGATION DECISIONS.—The Director shall not, by rule, regulation, or order, establish a priority for funding eligible activities under this section that gives preference to one type or category of

eligible activity over any other type or category of eligible activity.

''(5) ALLOCATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the total amount made available for assistance under this section in any fiscal year, the Director shall allocate assistance to a State, and the communities located within that State, based upon the percentage of the total number of severe repetitive loss properties located within that State.

''(B) REDISTRIBUTION.—Any funds allocated to a State, and the communities within the State, under subparagraph (A) that have not been obligated by the end of each fiscal year shall be redistributed by the Director to other States and communities to carry out eligible activities in accordance with this section.

''(C) EXCEPTION.—Of the total amount made available for assistance under this section in any fiscal year, 10 percent shall be made available to communities that—

''(i) contain one or more severe repetitive loss properties; and

''(ii) are located in States that receive little or no assistance, as determined by the Director, under the allocation formula under subparagraph (A).

''(6) NOTICE.—Upon making an offer to provide assistance with respect to a property for any eligible activity under subsection (c), the State or community shall notify each holder of a recorded interest on the property of such offer and activity.

''(g) PURCHASE OFFERS.—A State or community may take action under subsection (c)(2) to purchase a severe repetitive loss property only if the following requirements are met:

''(1) USE OF PROPERTY.—The State or community enters into an agreement with the Director that provides assurances that the property purchased will be used in a manner that is consistent with the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)) for properties acquired, accepted, or from which a structure will be removed pursuant to a project provided property acquisition and relocation assistance under such section 404(b).

''(2) OFFERS.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties and of associated land to engage in eligible activities as soon as possible.

''(3) PURCHASE PRICE.—The amount of purchase offer is not less than the greatest of—

''(A) the amount of the original purchase price of the property, when purchased by the holder of the current policy of flood insurance under this title;

''(B) the total amount owed, at the time the offer to purchase is made, under any loan secured by a recorded interest on the property; and

''(C) an amount equal to the fair market value of the property immediately before the most recent flood event affecting the property, or an amount equal to the current fair market value of the property.

''(4) COMPARABLE HOUSING PAYMENT.—If a purchase offer made under paragraph (2) is less than the cost of the homeowner-occupant to purchase a comparable replacement dwelling outside the flood hazard area in the same community, the Director shall make available an additional relocation payment to the homeowner-occupant to apply to the difference.

''(h) INCREASED PREMIUMS IN CASES OF REFUSAL TO MITIGATE.—

''(1) IN GENERAL.—In any case in which the owner of a severe repetitive loss property refuses an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property, the Director shall—

''(A) notify each holder of a recorded interest on the property of such refusal; and

''(B) notwithstanding subsections (a) through (c) of section 1308, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time that the offer was made, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to paragraph (2) and subject to the limitation under paragraph (3).

''(2) INCREASED PREMIUMS UPON SUBSEQUENT FLOOD DAMAGE.—Notwithstanding subsections (a) through (c) of section 1308, if the owner of a severe repetitive loss property does not accept an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property and a claim payment exceeding $1,500 is made under flood insurance coverage under this title for damage to the property caused by a flood event occurring after such offer is made, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time of such flood event, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to this paragraph and subject to the limitation under paragraph (3).

''(3) LIMITATION ON INCREASED PREMIUMS.—In no case may the chargeable premium rate for a severe repetitive loss property be increased pursuant to this subsection to an amount exceeding the applicable estimated risk premium rate for the area (or subdivision thereof) under section 1307(a)(1).

''(4) TREATMENT OF DEDUCTIBLES.—Any increase in chargeable premium rates required under this subsection for a severe repetitive loss property may be carried out, to the extent appropriate, as determined by the Director, by adjusting any deductible charged in connection with flood insurance coverage under this title for the property.

''(5) NOTICE OF CONTINUED OFFER.—Upon each renewal or modification of any flood insurance coverage under this title for a severe repetitive loss property, the Director shall notify the owner that the offer made pursuant to subsection (c) is still open.

''(6) APPEALS.—

''(A) IN GENERAL.—Any owner of a severe repetitive loss property may appeal a determination of the Director to take action under paragraph (1)(B) or (2) with respect to such property, based only upon the following grounds:

''(i) As a result of such action, the owner of the property will not be able to purchase a replacement primary residence of comparable value and that is functionally equivalent.

''(ii) Based on independent information, such as contractor estimates or appraisals, the property owner believes that the price offered for purchasing the property is not an accurate estimation of the value of the property, or the amount of Federal funds offered for mitigation activities, when combined with funds from non-Federal sources, will not cover the actual cost of mitigation.

''(iii) As a result of such action, the preservation or maintenance of any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places will be interfered with, impaired, or disrupted.

''(iv) The flooding that resulted in the flood insurance claims described in subsection (b)(2) for the property resulted from significant actions by a third party in violation of Federal, State, or local law, ordinance, or regulation.

''(v) In purchasing the property, the owner relied upon flood insurance rate maps of the Federal Emergency Management Agency that were current at the time and did not indicate that the property was located in an area having special flood hazards.

''(vi) The owner of the property, based on independent information, such as contractor estimates or other appraisals, demonstrates that an alternative eligible activity under subsection (c) is at least as cost effective as the initial offer of assistance.

''(B) PROCEDURE.—An appeal under this paragraph of a determination of the Director shall be made by filing, with the Director, a request for an appeal within 90 days after receiving notice of such determination. Upon receiving the request, the Director shall select, from a list of independent third parties compiled by the Director for such purpose, a party to hear such appeal. Within 90 days after filing of the request for the appeal, such third party shall review the determination of the Director and shall set aside such determination if the third party determines that the grounds under subparagraph (A) exist. During the pendency of an appeal under this paragraph, the Director shall stay the applicability of the rates established pursuant to paragraph (1)(B) or (2), as applicable.

''(C) EFFECT OF FINAL DETERMINATION.—In an appeal under this paragraph—

''(i) if a final determination is made in favor of the property owner under subparagraph (A) exist, the third party hearing such appeal shall require the Director to reduce the chargeable risk premium rate for flood insurance coverage for the property involved in the appeal from the amount required under paragraph (1)(B) or (2) to the amount paid prior to the offer to take action under paragraph (1) or (2) of subsection (c); and

''(ii) if a final determination is made that the grounds under subparagraph (A) do not exist, the Director shall promptly increase the chargeable risk premium rate for such property to the amount established pursuant to paragraph (1)(B) or (2), as applicable, and shall collect from the property owner the amount necessary to cover the stay of the applicability of such increased rates during the pendency of the appeal.

''(D) COSTS.—If the third party hearing an appeal under this paragraph is compensated for such service, the costs of such compensation shall be borne—

''(i) by the owner of the property requesting the appeal, if the final determination in the appeal is that the grounds under subparagraph (A) do not exist; and

''(ii) by the National Flood Insurance Fund, if such final determination is that the grounds under subparagraph (A) do exist.

''(E) REPORT.—Not later than 6 months after the date of the enactment of the Bunning-Bereuter-Blumenaur Flood Insurance Reform Act of 2004, the Director shall submit a report describing the rules, procedures, and administration for appeals under this paragraph to—

''(i) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(ii) the Committee on Financial Services of the House of Representatives.

''(i) DISCRETIONARY ACTIONS IN CASES OF FRAUDULENT CLAIMS.—If the Director determines that a fraudulent claim was made under flood insurance coverage under this title for a severe repetitive loss property, the Director may—

''(1) cancel the policy and deny the provision to such policyholder of any new flood insurance coverage under this title for the property; or

''(2) refuse to renew the policy with such policyholder upon expiration and deny the provision of any new flood insurance coverage under this title to such policyholder for the property.

''(j) RULES.—

''(1) IN GENERAL.—The Director shall, by rule—

''(A) subject to subsection (f)(4), develop procedures for the distribution of funds to States and communities to carry out eligible activities under this section; and

''(B) ensure that the procedures developed under paragraph (1)—

''(i) require the Director to notify States and communities of the availability of funding under this section, and that participation in the pilot program under this section is optional;

''(ii) provide that the Director may assist States and communities in identifying severe repetitive loss properties within States or communities;

''(iii) allow each State and community to select properties to be the subject of eligible activities, and the appropriate eligible activity to be performed with respect to each severe repetitive loss property; and

''(iv) require each State or community to submit a list of severe repetitive loss properties to the Director that the State or community would like to be the subject of eligible activities under this section.

''(2) CONSULTATION.—Not later than 90 days after the date of enactment of this Act, the Director shall consult with State and local officials in carrying out paragraph (1)(A), and provide an opportunity for an oral presentation, on the record, of data and arguments from such officials.

''(k) FUNDING.—

''(1) IN GENERAL.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to provide assistance under this section in each of fiscal years 2005, 2006, 2007, 2008, and 2009, except that the amount so used in each such fiscal year may not exceed $40,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under this subsection, the Director may use up to 5 percent for expenses associated with the administration of this section.

''(l) TERMINATION.—The Director may not provide assistance under this section to any State or community after September 30, 2009.''.

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end; and

(2) by striking paragraph (8) and inserting the following:

''(8) for financial assistance under section 1361A to States and communities for taking actions under such section with respect to severe repetitive loss properties, but only to the extent provided in section 1361A(i); and''.

SEC. 103. AMENDMENTS TO EXISTING FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) STANDARD FOR APPROVAL OF MITIGATION PLANS.—Section 1366(e)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following new sentence: ''The Director may approve only mitigation plans that give priority for funding to such properties, or to such subsets of properties, as are in the best interest of the National Flood Insurance Fund.''.

(b) PRIORITY FOR MITIGATION ASSISTANCE.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by striking paragraph (4) and inserting the following:

''(4) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this subsection for mitigation activities, the Director shall give first priority for funding to such properties, or to such subsets of such properties as the Director may establish, that the Director determines are in the best interests of the National Flood Insurance Fund and for which matching amounts under subsection (f) are available.''.

(c) COORDINATION WITH STATES AND COMMUNITIES.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following:

''(m) COORDINATION WITH STATES AND COMMUNITIES.—The Director shall, in consultation and coordination with States and communities take such actions as are appropriate to encourage and improve participation in the national flood insurance program of owners of properties, including owners of properties that are not located in areas having special flood hazards (the 100-year floodplain), but are located within flood prone areas.''.

(d) FUNDING.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding $40,000,000, to remain available until expended;'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) ADMINISTRATIVE EXPENSES.—The Director may use not more than 5 percent of amounts made available under subsection (b) to cover salaries, expenses, and other administrative costs incurred by the Director to make grants and provide assistance under sections 1366 and 1323.''.

(e) REDUCED COMMUNITY MATCH.—Section 1366(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(g)), is amended—

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) REDUCED COMMUNITY MATCH.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

''(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

''(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.''.

(f) NATIONAL FLOOD MITIGATION FUND.—Section 1366(b)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(b)(2)), is amended by striking ''$1,500,000'' and inserting ''7.5 percent of the available funds under this section''.

SEC. 104. FEMA AUTHORITY TO FUND MITIGATION ACTIVITIES FOR INDIVIDUAL REPETITIVE CLAIMS PROPERTIES.

(a) IN GENERAL.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

''SEC. 1323. GRANTS FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.

''(a) IN GENERAL.—The Director may provide funding for mitigation actions that reduce flood damages to individual properties for which 1 or more claim payments for losses have been made under flood insurance coverage under this title, but only if the Director determines that—

''(1) such activities are in the best interest of the National Flood Insurance Fund; and

''(2) such activities cannot be funded under the program under section 1366 because—

''(A) the requirements of section 1366(g) are not being met by the State or community in which the property is located; or

''(B) the State or community does not have the capacity to manage such activities.

''(b) PRIORITY FOR WORST-CASE PROPERTIES.—In determining the properties for which funding is to be provided under this section, the Director shall consult with the States in which such properties are located and provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.''.

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following:

''(9) for funding, not to exceed $10,000,000 in any fiscal year, for mitigation actions under section 1323, except that, notwithstanding any other provision of this title, amounts made available pursuant to this paragraph shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SEC. 105. AMENDMENTS TO ADDITIONAL COVERAGE FOR COMPLIANCE WITH LAND USE AND CONTROL MEASURES.

(a) COMPLIANCE WITH LAND USE AND CONTROL MEASURES.—Section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—

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

(A) by striking ''compliance'' and inserting ''implementing measures that are consistent''; and

(B) by inserting ''by the community'' after ''established'';

(2) in paragraph (2), by striking ''have flood damage in which the cost of repairs equals or exceeds 50 percent of the value of the structure at the time of the flood event; and'' and inserting ''are substantially damaged structures;''

(3) in paragraph (3), by striking ''compliance with land use and control measures.'' and inserting ''the implementation of such measures; and''; and

(4) by inserting after paragraph (3) and before the last undesignated paragraph the following:

''(4) properties for which an offer of mitigation assistance is made under—

''(A) section 1366 (Flood Mitigation Assistance Program);

''(B) section 1368 (Repetitive Loss Priority Program and Individual Priority Property Program);

''(C) the Hazard Mitigation Grant Program authorized under section 404 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5170c);

''(D) the Predisaster Hazard Mitigation Program under section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5133); and

''(E) any programs authorized or for which funds are appropriated to address any unmet needs or for which supplemental funds are made available.''.

(b) DEFINITIONS.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) by striking paragraph (7) and inserting the following:

''(7) the term 'repetitive loss structure' means a structure covered by a contract for flood insurance that—

''(A) has incurred flood-related damage on 2 occasions, in which the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of each such flood event; and

''(B) at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.'';

(2) in paragraph (13), by striking ''and'' at the end;

(3) in paragraph (14), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(15) the term 'substantially damaged structure' means a structure covered by a contract for flood insurance that has incurred damage for which the cost of repair exceeds an amount specified in any regulation promulgated by the Director, or by a community ordinance, whichever is lower.''.

SEC. 106. ACTUARIAL RATE PROPERTIES.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (c) and inserting the following:

''(c) ACTUARIAL RATE PROPERTIES.—Subject only to the limitations provided under paragraphs (1) and (2), the chargeable rate shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307(a)(1) with respect to the following properties:

''(1) POST-FIRM PROPERTIES.—Any property the construction or substantial improvement of which the Director determines has been started after December 31, 1974, or started after the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later, except that the chargeable rate for properties under this paragraph shall be subject to the limitation under subsection (e).

''(2) CERTAIN LEASED COASTAL AND RIVER PROPERTIES.—Any property leased from the Federal Government (including residential and nonresidential properties) that the Director determines is located on the river-facing side of any dike, levee, or other riverine flood control structure, or seaward of any seawall or other coastal flood control structure.''.

(b) INAPPLICABILITY OF ANNUAL LIMITATIONS ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking ''Notwithstanding'' and inserting ''Except with respect to properties described under paragraph (2) or (3) of subsection (c), and notwithstanding''.

SEC. 107. GEOSPATIAL DIGITAL FLOOD HAZARD DATA.

For the purposes of flood insurance and floodplain management activities conducted pursuant to the National Flood Insurance Program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), geospatial digital flood hazard data distributed by the Federal Emergency Management Agency, or its designee, or the printed products derived from that data, are interchangeable and legally equivalent for the determination of the location of 1 in 100 year and 1 in 500 year flood planes, provided that all other geospatial data shown on the printed product meets or exceeds any accuracy standard promulgated by the Federal Emergency Management Agency.

SEC. 108. REPLACEMENT OF MOBILE HOMES ON ORIGINAL SITES.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended by adding at the end the following:

''(c) REPLACEMENT OF MOBILE HOMES ON ORIGINAL SITES.—

''(1) COMMUNITY PARTICIPATION.—The placement of any mobile home on any site shall not affect the eligibility of any community to participate in the flood insurance program under this title and the Flood Disaster Protection Act of 1973 (notwithstanding that such placement may fail to comply with any elevation or flood damage mitigation requirements), if—

''(A) such mobile home was previously located on such site;

''(B) such mobile home was relocated from such site because of flooding that threatened or affected such site; and

''(C) such replacement is conducted not later than the expiration of the 180-day period that begins upon the subsidence (in the area of such site) of the body of water that flooded to a level considered lower than flood levels.

''(2) DEFINITION.—For purposes of this subsection, the term 'mobile home' has the meaning given such term in the law of the State in which the mobile home is located.''.

SEC. 109. REITERATION OF FEMA RESPONSIBILITY TO MAP MUDSLIDES.

As directed in section 1360(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(b)), the Director of the Federal Emergency Management Agency is again directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of such section 1360, in order to make known the degree of hazard within each such zone at the earliest possible date.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEFINITIONS.

In this title, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(2) FLOOD INSURANCE POLICY.—The term ''flood insurance policy'' means a flood insurance policy issued under the National Flood Insurance Act of 1968 (42 U.S.C. et seq.).

(3) PROGRAM.—The term ''Program'' means the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

SEC. 202. SUPPLEMENTAL FORMS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop supplemental forms to be issued in conjunction with the issuance of a flood insurance policy that set forth, in simple terms—

(1) the exact coverages being purchased by a policyholder;

(2) any exclusions from coverage that apply to the coverages purchased;

(3) an explanation, including illustrations, of how lost items and damages will be valued under the policy at the time of loss;

(4) the number and dollar value of claims filed under a flood insurance policy over the life of the property, and the effect, under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), of the filing of any further claims under a flood insurance policy with respect to that property; and

(5) any other information that the Director determines will be helpful to policyholders in understanding flood insurance coverage.

(b) DISTRIBUTION.—The forms developed under subsection (a) shall be given to—

(1) all holders of a flood insurance policy at the time of purchase and renewal; and

(2) insurance companies and agents that are authorized to sell flood insurance policies.

SEC. 203. ACKNOWLEDGEMENT FORM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop an acknowledgement form to be signed by the purchaser of a flood insurance policy that contains—

(1) an acknowledgement that the purchaser has received a copy of the standard flood insurance policy, and any forms developed under section 202; and

(2) an acknowledgement that the purchaser has been told that the contents of a property or dwelling are not covered under the terms of the standard flood insurance policy, and that the policyholder has the option to purchase additional coverage for such contents.

(b) DISTRIBUTION.—Copies of an acknowledgement form executed under subsection (a) shall be made available to the purchaser and the Director.

SEC. 204. FLOOD INSURANCE CLAIMS HANDBOOK.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop a flood insurance claims handbook that contains—

(1) a description of the procedures to be followed to file a claim under the Program, including how to pursue a claim to completion;

(2) how to file supplementary claims, proof of loss, and any other information relating to the filing of claims under the Program; and

(3) detailed information regarding the appeals process established under section 205.

(b) DISTRIBUTION.—The handbook developed under subsection (a) shall be made available to—

(1) each insurance company and agent authorized to sell flood insurance policies; and

(2) each purchaser, at the time of purchase and renewal, of a flood insurance policy, and at the time of any flood loss sustained by such purchaser.

SEC. 205. APPEAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE.

Not later than 6 months after the date of enactment of this Act, the Director shall, by regulation, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy, of—

(1) any insurance agent or adjuster, or insurance company; or

(2) any employee or contractor of the Federal Emergency Management Agency.

SEC. 206. STUDY AND REPORT ON USE OF COST COMPLIANCE COVERAGE.

Not later than 1 year after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit to Congress a report that sets forth—

(1) the use of cost of compliance coverage under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) in connection with flood insurance policies;

(2) any barriers to policyholders using the funds provided by cost of compliance coverage under that section 1304(b) under a flood insurance policy, and recommendations to address those barriers; and

(3) the steps that the Federal Emergency Management Agency has taken to ensure that funds paid for cost of compliance coverage under that section 1304(b) are being used to lessen the burdens on all homeowners and the Program.

SEC. 207. MINIMUM TRAINING AND EDUCATION REQUIREMENTS.

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, State insurance regulators, and other interested parties—

(1) establish minimum training and education requirements for all insurance agents who sell flood insurance policies; and

(2) not later than 6 months after the date of enactment of this Act, publish these requirements in the Federal Register, and inform insurance companies and agents of the requirements.

SEC. 208. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) the adequacy of the scope of coverage provided under flood insurance policies in meeting the intended goal of Congress that flood victims be restored to their pre-flood conditions, and any recommendations to ensure that goal is being met;

(2) the adequacy of payments to flood victims under flood insurance policies; and

(3) the practices of the Federal Emergency Management Agency and insurance adjusters in estimating losses incurred during a flood, and how such practices affect the adequacy of payments to flood victims.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study under subsection (a).

SEC. 209. PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

''(f) ADJUSTMENT OF PREMIUM.—Notwithstanding any other provision of law, if the Director determines that the holder of a flood insurance policy issued under this Act is paying a lower premium than is required under this section due to an error in the flood plain determination, the Director may only prospectively charge the higher premium rate.''.

SEC. 210. REPORT ON CHANGES TO FEE SCHEDULE OR FEE PAYMENT ARRANGEMENTS.

Not later than 3 months after the date of enactment of this Act, the Director shall submit a report on any changes or modifications made to the fee schedule or fee payment arrangements between the Federal Emergency Management Agency and insurance adjusters who provide services with respect to flood insurance policies to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Massachusetts (Mr. FRANK) 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 S. 2238.

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 rise in strong support of S. 2238, the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act, legislation to reauthorize and reform the National Flood Insurance Program.

The legislation we are considering here today is a must-do bill. Currently, this program is set to expire on June 30 of this year; and without this program, the ability to close a loan and purchase a new home in literally thousands of communities all across this country will be placed in jeopardy.

The NFIP was established by Congress with the passage of the National Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating companies to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages.

Unfortunately, one of the authors of this important legislation, the gentleman from Nebraska (Mr. BEREUTER), is unable to be with us here today. However, we would be remiss if we did not recognize his tireless efforts on this bill. For over 14 years, the gentleman from Nebraska (Mr. BEREUTER) has worked hard to craft legislation that would reduce the cost of this program to the American taxpayer. Today, repetitive-loss properties cost the NFIP about $200 million each year. These properties account for only 1 percent of the currently insured properties across the country; yet they represent 25 to 30 percent of all claims paid.

Under our current program, repetitive loss properties are eligible for subsidized flood insurance at rates far below the actuarial rate they should be paying. With the passage of this legislation, people living in flood-prone areas will be provided assistance to reduce their risk of flooding. If they choose not to reduce their risk of flooding, they will be required to pay higher premiums.

In addition to reauthorizing the existing Flood Mitigation Assistance program through 2008, the bill establishes a new pilot program aimed at reducing the number of severe repetitive-loss properties and provides $40 million to help reach that goal. It is important to note that this fund will not be subject to a Federal appropriation. Instead, this level of funding will come from money that is transferred from the National Flood Insurance Fund, which is composed of policyholder premiums.

S. 2238 is virtually identical to H.R. 253, the Flood Insurance Reform Act of 2003, authored by the gentleman from Nebraska (Mr. BEREUTER) and passed by this House on November 20, 2003. I want to take this opportunity to commend the gentleman from Nebraska (Mr. BEREUTER) for his hard work on this legislation and for his exemplary service to this body over the years.

I urge my colleagues to support the passage of this bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the description given by the gentleman from Wisconsin. I am very proud of the work that on a bipartisan basis we did here in this Congress. The House really generated this. The other body went along with our initiative. The initiative really was due to two Members of the House, one on each side of the aisle, the gentleman from Nebraska, who has already been mentioned; and the gentleman from Oregon (Mr. BLUMENAUER), who worked very well together and provided the leadership that we on the committee were glad to support.

Mr. Speaker, as recognition of that and because of the press of other business, I ask unanimous consent to turn over the management of the remainder of this bill to the gentleman from Oregon (Mr. BLUMENAUER).

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

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I continue to reserve the balance of my time.

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

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

Mr. BLUMENAUER. Mr. Speaker, I appreciate very much the comments that the gentleman from Wisconsin made and particularly highlighting the long-standing contribution of our friend, the gentleman from Nebraska (Mr. BEREUTER) who I have been privileged to work with the last 6 years on this bill, but I know he has been working on this issue and is a recognized congressional expert, one of the gentleman's many areas of expertise.

I think it is also important to note the cooperation with the gentleman from Ohio (Chairman OXLEY), the gentleman from Massachusetts (Ranking Member FRANK) who worked with us as we were maneuvering with our friends in the Senate. I think this is a better bill for the effort.

We have also had a great deal of back and forth from other Members who are from States that have suffered from repetitive-flood loss; and as a result of their efforts, and the work in the Senate, I think we actually have a bill that provides better and broader protections than when we had first begun this work.

Last but not least, I note on the floor the presence of Kyle Gilster, who has done outstanding work staffing this on behalf of the gentleman from Nebraska (Mr. BEREUTER). I note that we also have Janine Benners who has been doing this in my office.

Mr. Speaker, I would insert at this point in the RECORD the remainder of my comments.

Thank you to Mr. FRANK, Senator BUNNING, Senator SHELBY, and Senator SARBANES.

I also want to thank the staff of Representative BEREUTER, Kyle Gilster, and Representative FRANK, Jeff Riley, for their work on this issue.

The National Flood Insurance Program (NFIP) is crucial and good example of working with local communities to reduce impact of disasters. Benefits economy, environment, and individual property values.

NFIP started in 1968—private insurance companies suffered high losses and stopped offering coverage for flood damage. NFIP helps homeowners deal with flood losses and gives communities tools to prevent future flood damage. Program has already lowered flood damage by 25 percent below the level that would have occurred without the program.

Some problems with the program: in some cases, federal flood control policy encourages floodplain development by financing the construction and repair of levees and underwriting the risk of flooding.

FEMA was concerned about this problem during the Clinton and Bush administrations. Mr. BEREUTER and I worked with former FEMA Administrator James Lee Witt to develop our proposal to fix NFIP problems.

The Office of Management and Budget has pointed out that in too many years the program has expenses greater than its revenue from insurance premiums which prevents building long-term reserves to handle the costs of flood insurance.

Twenty-five percent of the policyholders pay substantially subsidized premiums, with the Federal Treasury and other policyholders paying the difference.

Losers of the NFIP are people who live in areas that require flood insurance, even though they do not have their property flood often, pay dramatically high rates.

The program is currently self supporting from premium income. However, in the 1980s federal taxpayers had to make up a shortfall of $1.2 billion when the income from the low premiums was not enough to cover the flood claims. The chances of this happening again are high.

Repetitively flooded properties are a significant strain on the NFIP.

FEMA reports that just 1 percent of the properties account for 25 percent of NFIP flood loss dollars. Many of these properties have received more in flood insurance claims payments than the building's value.

Subsidizing people to live in repetitively flooded areas does not make sense.

It is bad for the federal taxpayer, bad for the environment, and bad for the families that are continually placed in harm's way.

Property owners are trapped in a dangerous and expensive cycle. We do flood victims no favors by rebuilding their homes in harm's way.

The legislation we are considering today will avoid many of the injuries, deaths, and damages before they occur, and give property owners the option of moving to a less hazardous area.

Our approach helps build disaster resistant communities and safe homes by providing mitigation assistance to communities.

This bill has a number of benefits:

Most importantly, it will move people out of harm's way and discourage newcomers from moving there. This bill will save lives by moving people to higher ground.

Often overlooked, it will save the federal government millions of dollars in avoided flood damages. FEMA reports that mitigation and building standards already in place have resulted in over $1 billion annually in reduced flood losses. Our bill will significantly increase these savings by increasing funding for mitigation.

Savings to ratepayers in the National Flood Insurance Program. Mitigating repetitively flooded properties will reduce the pressure to raise flood insurance rates. The Association of State Floodplain Managers estimates that avoiding just one 10 percent rate increase could save the 4.4 million policyholders $175 million each year.

Finally, this bill will significantly benefit the environment. If property-owners choose to relocate, the land will convert to open-space. Non-structural approaches to flood control, such as voluntary buyouts and restoration of natural floodplains, are often much more effective in controlling floods than structural approaches. Natural floodplains also prevent pollution problems from flooding.

As the bill went through the process in the House and Senate, we worked with Members from coastal areas to make the reforms more sensitive to the plight of their constituents.

I would like to highlight one change we were able to make in the Increased Cost of Compliance (ICC) program. The bill not specifically provides for use of the ICC program funds as local match monies. This program, created in the 1994 Flood Insurance Reform Act, uses a flood insurance premium surcharge to raise money for mitigation—but it hasn't yet functioned well.

Freeing up these funds for use in mitigation of repetitive loss properties will help the affected property owners by dramatically reducing costs to them and will help all policy holders by stemming the drain on the Flood Insurance Fund from repetitive claims.

I respectfully urge passage of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 204. This is one of the best fiscal and environmental opportunities for Congress this year.

We can't stop natural hazards from threatening our communities, but we can try to minimize or stop them from becoming disasters, and that's what this bill does.

Mr. NEY. Mr. Speaker, today, I rise in support of S. 2238, the "Flood Insurance Reform Act of 2004."

The Senate bill, in most respects, is identical to H.R. 253, which passed the House on November 20, 2003. The Senate bill did make some acceptable changes to the House-passed bill, such as a new title which provides new consumer protections for flood insurance policyholders. The Senate bill will extend the authorization of the NFIP through September 30, 2008, and create a temporary pilot program to address severe repetitive loss properties. The authorization of the NFIP is set to expire on June 30, 2004. This legislation, S. 2238, represents a continuation of this chamber's past efforts to reform the National Flood Insurance Program.

Floods have been, and continue to be, one of the most destructive and costly natural hazards to our nation. The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable insurance that would not be available on the open market.

The National Flood Insurance Program was established in 1968 with the passage of the National Flood Insurance Act. Prior to that time, insurance companies generally did not offer coverage for flood disasters because of the high risks involved. Today, almost 20,000 communities participate in the national flood insurance program. More than 90 insurance companies sell and service flood policies. There are approximately $4.4 million policies covering a total of $620 billion.

In order to participate in the program, communities must agree to abide by certain hazard mitigation provisions. These provisions include adopting building codes that require new floodplain structures to be protected against flooding or elevated above the 100-year floodplain.

The National Flood Insurance program is administered by the Federal Emergency Management Agency (FEMA). It is worth noting that on November 25, 2002, President Bush signed into law the Homeland Security Act of 2002 which brought FEMA under the new Department of Homeland Security.

As many of you are aware, the NFIP reauthorization expired on December 31, 2002. Unfortunately, Congress adjourned without extending the flood insurance program. This situation was quickly remedied in the 108th Congress and on January 13, 2003, President Bush signed into law a bill to reauthorize the program for one year, retroactively to January 1, 2003. This one-year reauthorization gave us the time necessary to determine how best to go about reforming the existing program.

This is a good day for the National Flood Insurance Program and is a good day for the American tax-payers. I applaud all members from both chambers for reaching an agreement.

I urge my colleagues to support this initiative.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for S. 2238, a bill to reauthorize the National Flood Insurance Program (NFIP). This legislation, the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, passed the Senate by unanimous consent on June 15, 2004. The Senate bill will extend the authorization of the NFIP through September 30, 2008, and create a temporary pilot program to address severe repetitive loss properties. The authorization of the NFIP is set to expire on June 30, 2004. This legislation, S. 2238, represents a continuation of this Member's past efforts to reform the NFIP.

This Senate bill, in most respects, is identical to H.R. 253, which passed the House on November 20, 2003. This Member introduced H.R. 253 on January 8, 2003, along with my distinguished colleague from Oregon (Mr. BLUMENAUER). The Senate bill did make some acceptable changes to the House-passed bill, such as a new title which provides new consumer protections for flood insurance policyholders. However, this Member continues to adamantly oppose one change by the Senate. The Senate bill allows a policyholder to make an appeal, based on independent information, such as contractor estimates or other appraisals. This Member will discuss his strong opposition to this provision at the appropriate time in this statement.

When it comes to expressions of appreciation, this Member first would like to thank the

distinguished gentleman from Oregon (Mr. BLUMENAUER) who was both an original cosponsor of H.R. 253 and a tireless advocate for reform of the NFIP. The distinguished gentleman from Oregon and this Member introduced similar versions of this legislation, in both the 106th and 107th Congresses.

This Member would also like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from Massachusetts (Mr. FRANK) for their efforts in bringing this Senate measure to the House floor. This Member must also thank the distinguished junior senator from Kentucky (Mr. BUNNING), the chairman of the Senate Banking, Housing and Urban Affairs Subcommittee on Economic Policy, for introducing S. 2238. This Member also appreciates the contributions of the following Senators who are very supportive of this legislation: the distinguished senior senator from Alabama (Mr. SHELBY), the Chairman of the Senate Banking, Housing and Urban Affairs Committee; the distinguished senior senator from Maryland (Mr. SARBANES), and the distinguished senior senator from Nebraska, my friend, (Mr. HAGEL) among others.

This Member would also like to thank the distinguished gentleman from Louisiana (Mr. BAKER) for being a conscientious legislator who offered a number of provisions which ultimately were included in H.R. 253 and which in turn have subsequently been incorporated into S. 2238. The incorporated suggestions by the distinguished gentleman from Louisiana have made the final product a better bill.

Finally, this Member would also like to thank all of the House and Senate Committee staff who have worked on this legislation. Specifically, this Member would like to thank Kyle Gilster, a Nebraskan formerly on my congressional staff who is now a key member of the staff of the House Financial Services, for his efforts with H.R. 253. In addition, this Member also appreciates the very effective work of Janine Benner, who is a legislative staff member for the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, today, this Member would like to organize his remaining comments under the following three sections:

1. background on repetitive loss properties;
2. contents of S. 2238; and
3. the changes the Senate made to H.R. 253.

1. BACKGROUND ON REPETITIVE LOSS PROPERTIES

This Member has been actively proposing specific reform provisions for the NFIP for over 14 years. His work on this issue soon became a bipartisan effort with the distinguished gentleman from Massachusetts (Mr. JOSEPH KENNEDY) who is no longer serving in the House. This legislation, S. 2238, is primarily drawn from H.R. 253, which represents a culmination of my legislative efforts to reduce the extraordinary loss of repetitive loss properties.

Currently, repetitive loss properties cost the NFIP about $200 million annually. These properties while comprising approximately one percent of the currently insured properties, are expected to account for 25 to 30 percent of claims paid. For example, one home, valued at $114,480, has received $806,591 in flood insurance claims over an 18-year period.

Today, the vast majority of repetitive-loss properties are eligible for subsidized flood insurance at rates far below the actuarial risk rate they should be paying. This bill, S. 2238, would at last move the NFIP towards a more free-market insurance model by requiring people living in flood prone areas to reduce their risk of flooding or pay higher premiums.

2. CONTENTS OF S. 2238

This legislation, S. 2238, authorizes funds for both the existing Flood Mitigation Assistance (FMA) program and a new pilot program. This approach is identical to the one that was used in H.R. 253.

FMA Program. This bill, S. 2238, uses FEMA's existing FMA program to mitigate repetitive loss properties. This bill authorizes up to an additional $40 million a year to be transferred from the National Flood Insurance Fund into the FMA fund through FY2008.

Pilot Program. Under S. 2238, $40 million a year is authorized to be transferred from the National Flood Insurance Fund into the pilot program. These funds are required to be used to reduce the number of severe repetitive loss properties. Under this legislation, a severe repetitive loss property must at least meet one of the following two definitions:

(i) for which 4 or more separate claims have been made, with the amount of each claim exceeding $5,000, and with the cumulative amount exceeding $20,000; or

(ii) for which at least two claims have been made which exceed the value of the property.

Using this definition, the Federal Emergency Management Agency (FEMA) has estimated that approximately 6,200 properties nationwide would qualify as a severe repetitive loss property.

This trial pilot program, which would expire on September 30, 2009, addresses these properties in a simple, straightforward manner. The owner of a severe repetitive loss property will be charged a rate closer to the actuarial, risk-based rates for their national flood insurance policy if two conditions prevail.

The first condition is that it is by definition a severe repetitive loss property. The second condition is that the owner of the real property must have refused a mitigation measure from a state or locality, such as the elevation of the structure or a buy-out of the property. (It is important to note that this bill preserves state and local decision-making.)

If both of these conditions have been met, rates for severe repetitive loss properties will be increased by 50 percent. Properties will be subject to additional 50 percent increases for each future flood insurance claim exceeding $1500. However, flood insurance rates cannot be increased to a rate higher than the actuarial level.

3. SENATE CHANGES TO H.R. 253

As mentioned earlier, some constructive changes were made in S. 2238. However, this Member continues to strongly oppose one change made by the Senate. The Senate bill adds a new source of appeal which allows a policyholder, based on independent information, such as contractor estimates or other appraisals, to demonstrate either of the following: the purchase price under a buyout is not an accurate estimate of the property; or that there is an alternative eligible mitigation activity. This Member strongly feels that this is a bad provision.

This provision allows a policy holder to appeal an increase in their flood insurance rates if they find one appraiser to make a determination which is favorable to them. This ''independent appraiser'' provision is a mile-wide opening—anybody can shop around and find an appraiser which will give them grounds to appeal. This provision will result in an unnecessary number of appeals which will inevitably bog down the appeals process. This Member directs FEMA to pass regulations that will reduce the very wide breadth of this provision—thus, limiting the abuse of this appeal method.

This Member had conveyed to the Senate his opposition to this provision. Nevertheless, they still did not strike this new appeals criteria. Unfortunately, we have run out of time in this legislation to make a change since the authorization of the NFIP expires on June 30, 2004. This Member urges his colleagues in the House to pass a separate bill in the immediate future to strike this new appeals criteria.

The Senate bill, S. 2238, does make certain changes relative to the House bill which are very constructive. For example, a new title was added which creates additional consumer protections for policyholders. This new title was added at the suggestion of the two distinguished Senators from Maryland (Mr. SARBANES and Ms. MIKULSKI). The impetus for this new title was the problems that flood insurance policy holders in Maryland experienced in the aftermath of the most recent hurricane. This Member is in full support of this change.

This new title requires the Director to develop consumer related disclosure/information forms and a flood insurance claims handbook for policyholders. The Director must promulgate regulations outlining an appeals process for policyholders with respect to claims, proofs of loss, and loss estimates related to flood insurance policies. The Director must also establish minimum training and education requirements, in cooperation with the insurance industry, for all insurance agents who sell flood insurance.

Among other changes, the Senate bill modifies the Federal/state cost share for mitigation projects under the existing FMA program and the pilot program. The changes in the Senate bill were made at the request of the FEMA so that it would be easier to implement the pilot program and the FMA program nationwide.

This Member believes that it is important that one final public policy point be made. The bill, S. 2238, would reduce the amount of regional cost-shifting on flood insurance which is occurring among states and within states. The policyholders in non-repetitive loss areas of the country (such as in Nebraska) by their higher than appropriate premiums are subsidizing the policyholders in repetitive loss areas of the country. Flood insurance policyholders in communities along the Platte River across Nebraska are paying significantly more in flood insurance premiums than the risk warrants. For example, property owners in North Platte have paid $1.2 million in flood insurance premiums over the last 25 years, while only $26,000 has been paid out in claims over this time period. The Senate bill, S. 2238, would give FEMA the funds and the tools to mitigate repetitive loss properties which will result in more affordable premiums in the future for policyholders from non-repetitive loss areas of the country, such as in Nebraska.

Mr. Speaker, in conclusion, Congress is finally acting to stop the very expensive treading through the water of repetitive loss after repetitive loss. A very impressive and diverse group of taxpayer, financial, and environmental associations are all in strong support of

S. 2238. This Member would encourage the House to pass, S. 2238, the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, as it is very necessary reform legislation that is long overdue.

Mr. OSBORNE. Mr. Speaker, I rise in support of S. 2238, the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004.

S. 2238 was originally H.R. 253 which was authored by my dear colleague and fellow Nebraskan, Mr. BEREUTER of Nebraska, and cosponsored by Mr. BLUMENAUER of Oregon. Both Members have been strong advocates for reforming the National Flood Insurance program, administered by the Federal Emergency Management Agency, since the 106th Congress. Mr. BEREUTER has been a champion of this legislation for the last 14 years.

The legislation will extend the authorization of the National Flood Insurance Program (NFIP) through September 30, 2008, and create a temporary pilot program to address severe repetitive loss properties (SRLPs).

The authorization of the NFIP is set to expire on June 30, 2004.

I support the temporary pilot program included in this important legislation because it will address the problem of severe repetitive loss properties for which many communities in my district are paying increased premiums.

I have numerous communities in my district paying substantial premiums on properties that have not been affected by flooding since the beginning of the program.

One example is North Platte, Nebraska. The community sits between the North and South Platte Rivers. The North and South Platte Rivers merge east of North Platte. While the National Flood Insurance Program has been in place since 1968, North Platte has paid over $1 million in premiums each year, but has not received more than $26 thousand in flood insurance claims during that time. The community has been working diligently with FEMA and the Nebraska Department of Natural Resources to reduce the cost of the National Flood Insurance premiums, but premiums continue to remain high.

That is why I support S. 2238.

S. 2238 authorizes up to $40 million a year to be transferred from the National Flood Insurance Fund for mitigation assistance to reduce the problem of SRLPs. The money in the National Flood Insurance Fund comes from flood insurance premiums from policyholders and would not need an appropriation.

This pilot program, which would expire on September 30, 2009, addresses these properties in a simple, straightforward manner; the owner of a SRLP will be charged a rate closer to the actuarial, risk-based rates for their national flood insurance policy if two conditions prevail.

The first condition is that it is indeed by definition a SRLP. Under this legislation, a severe repetitive loss property must at least meet one of the following two definitions: Four or more separate claims have been made, with the amount of each claim exceeding $5,000, and with the cumulative amount exceeding $20,000; at least two claims have been made which exceed the value of the property.

The second condition which would cause the applicability of closer to actuarial rates to be applied is that the owner of the real property must have refused a mitigation measure from a state or locality, such as the elevation of the structure or a buy-out of the property. If both of these conditions have been met, rates for SRLPs will be increased by 50 percent.

Properties will be subject to additional 50 percent increases for each subsequent flood event where claims payments exceed $1,500. However, flood insurance rates applied cannot be higher than the actuarial based NFIP rates.

I would again like to thank Mr. BEREUTER and Mr. BLUMENAUER for their tireless determination to improve the National Flood Insurance Program to assist those communities that have not had repetitive losses.

Mr. GREEN of Texas. Mr. Speaker, the National Flood Insurance Program is literally a lifeline to thousands of my constituents, restoring their homes and properties after devastating floods that have become too common for Houston and Harris County, Texas, residents. I support S. 2238 on the suspension calendar today.

There are over 172,000 homes and businesses with National Flood Insurance Program (NFIP) policies in Houston and Harris County, over 37 percent of the 461,000 statewide in Texas. These federally backed NFIP policies are vital to our area because private insurers would not make flood insurance available at any kind of affordable price. H.R. 2238 reassures residents, realtors, insurers, and lending institutions that this Federal backing of the NFIP will be extended by 4 more years until September 2008.

The reform included in this legislation will mean major changes for the Houston area, which has many homes with repeat flood insurance claims. It is important to treat NFIP policy holders fairly because they may now receive FEMA buyout and mitigation offers once they have 4 separate claims of $5,000 each (or 2 claims exceeding the value of the home), and if they refuse, their premiums will increase by 50 percent, and an addition 50 percent after each following claim of $1,500, until the premium equals the ''market'' premium.

These reform provisions have a noble goal of reducing flood premiums for most policy holders and assisting residents who repeatedly flood. But asking someone to leave their home through a government buyout offer can be a traumatic process, especially if the buyout offer does not allow for a smooth relocation of the flood victim.

After Tropical Storm Allison in Harris County in 2001, we had ''fair market'' buyout FEMA offers so low that people would have been unable to purchase another home outside of the floodplain. So after Allison, we had to scramble to find additional Federal, State, and local sources of funding to assist these people, since FEMA's policy would not allow for purchase offers greater than ''fair market value.'' That kind of uncertainty for a homeowner facing 50 percent higher insurance premiums for refusing a government buyout is just not fair.

In response to these experiences, I authored a provision included in this bill to require FEMA to offer additional funds if ''a purchase offer made under [this law] is less than the cost of the homeowner-occupant to purchase a comparable replacement dwelling outside the flood hazard area in the same community, the Director [of FEMA] shall make available an additional relocation payment to the homeowner-occupant to apply to the difference.'' [S. 2238 Section 102(g)(4)].

I wish to extend my thanks to my colleagues who assisted me in this effort, Chairman OXLEY, Ranking Member FRANK, and Congressman BEREUTER. Their willingness to listen to the concerns of my constituents over this legislation is much appreciated. Because of the efforts of Chairman OXLEY, Ranking Member FRANK, and Congressman BEREUTER to ensure that homeowners receive a fair price for their homes, I support this legislation and look forward to working with them on a fair and efficient implementation of a reformed, National Flood Insurance Program.

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

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. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the Senate bill, S. 2238.

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

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF S. 2238, BUNNING-BEREUTER-BLUMENAUER FLOOD INSURANCE REFORM ACT OF 2004

Mr. GREEN of Wisconsin. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 458) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 458

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 2238) to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made, the Secretary of the Senate shall strike ''Blumenaur'' each place such term appears and insert ''Blumenauer''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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. 458, the concurrent resolution just agreed to.

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

There was no objection.

REQUIRING STUDY FOR DENTAL AND VISION BENEFITS FOR FEDERAL EMPLOYEES

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3751) to require that the Office of Personnel Management study and present options under which dental and vision benefits could be made available to Federal employees and retirees and other appropriate classes of individuals, as amended.

The Clerk read as follows:

H.R. 3751

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

SECTION 1. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby additional dental, vision, and hearing benefits could be made available to—

(1) Federal employees and annuitants;

(2) qualified relatives of Federal employees and annuitants; and

(3) other appropriate classes of individuals.

(b) REQUIRED CONTENT.—The report shall include—

(1) a description of the dental, vision, and hearing benefits currently available under the Federal employees health benefits program;

(2) a description of the supplemental dental, vision, and hearing plans currently offered by carriers participating in the Federal employees health benefits program;

(3) a description of specific dental, vision, and hearing benefits that could be offered in addition to those described in paragraphs (1) and (2), including any maximums, limitations, exclusions, and definitions that might be relevant;

(4) a description of the specific classes of individuals (as referred to generally in paragraphs (1) through (3) of subsection (a)) to whom those additional benefits should be made available, including any definitions and other terms or conditions that might be relevant;

(5) a description and assessment of the various contracting arrangements by which the Government could make those additional benefits available, including whether such benefits should be contracted for on a regional or national basis;

(6) the estimated cost of those additional benefits, including an analysis relating to whether any regular Government contributions or allocation for start-up costs might be necessary or appropriate;

(7) a description of how those additional benefits could be made available through—

(A) the Federal employees health benefits program;

(B) one or more plans outside the Federal employees health benefits program, including supplemental plans referred to in paragraph (2);

(C) the program described in subparagraph (A) in combination with one or more of the plans described in subparagraph (B); and

(D) any other dental, vision, and hearing coverage delivery method;

(8) an analysis of the advantages and disadvantages associated with the alternatives described under paragraph (7), including—

(A) the relative cost-effectiveness and efficiency of each;

(B) the likely impact of each alternative on the overall attractiveness of the Federal employees health benefits program to individuals eligible to enroll, particularly Federal employees and annuitants; and

(C) the extent to which each alternative might affect the relative competitiveness of the various carriers and plans currently participating in the Federal employees health benefits program (including as a provider of supplemental benefits);

(9) a recommendation from the Office as to its preferred method or methods for providing those additional benefits; and

(10) any proposed legislation or other measures the Office considers necessary in order to implement any of the foregoing.

(c) SCREENING FOR GLAUCOMA.—For purposes of this Act, the term ''vision benefits'' includes benefits relating to screening for glaucoma.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3751, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of H.R. 3751, an important piece of legislation for all Federal employees. This bill requires the Federal Government to analyze available options to provide those who work in the civil service with better dental and vision benefits. These benefits may be provided through the existing structure of the Federal Employees Health Benefits Program or as stand-alone additional coverage.

Specifically, H.R. 3751 requires the Office of Personnel Management to study and to submit a report to Congress on how the government can provide dental and vision benefits to Federal employees.

Mr. Speaker, I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the distinguished Chair of the Subcommittee on Civil Service and Agency Organization, for offering H.R. 3751; and I certainly congratulate her today for moving the bill to the floor today. Along with the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the full Committee on Government Reform, as well as my distinguished colleague, the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service and Agency Organization, the gentleman from Virginia (Mrs. JO ANN DAVIS) is a leader in the Congress in representing the Nation's integral and steadfast Federal employees.

Every single day, civil servants protect the Nation's streets. They teach our children, they deliver the mail, they treat the sick, the injured. They perform countless other duties that help make America thrive.

H.R. 3751 a terrific step towards providing these individuals with the health benefits that they have earned and deserve. I urge its adoption.

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

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

Mr. Speaker, visual health and oral health are integral to our general health, as the House well knows. Oral and eye diseases are progressive and become more complex over time. Our ability to eat, see, read, learn, and communicate all depend on good visual and oral health.

Periodic eye and dental examinations are an important part of routine preventive health care. Many visual and oral conditions present no obvious symptoms. Therefore, individuals often are unaware that such problems exist.

There are safe and effective measures to prevent the most common eye and dental diseases. That is why early diagnosis and treatment are important for maintaining good visual and oral health and why a vision and dental benefit should be made available to Federal employees and annuitants.

We know that in 1987 the Office of Personnel Management stopped plans in the Federal Health Benefits program from adding new vision and dental packages. OPM did so for various reasons. However, the decision was made over 15 years ago, and it is time to take a fresh look at how we can meet the visual and oral health needs of Federal employees.

In the long run, preventive care, through periodic examinations and doctor visits, will help keep down long-term vision and dental costs due to early detection.

To further improve the bill, during subcommittee consideration of H.R. 3751, the gentleman from Illinois (Mr. DAVIS) offered an amendment requiring OPM to include glaucoma screening and hearing benefits in its study.

The amendment would require OPM to study the feasibility of providing hearing benefits to Federal employees and retirees. Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born every day with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving a school system as much as half a billion dollars during a 12-year education.

Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids. We believe the Federal Government should consider taking a lead in this area.

In addition to hearing benefits, the gentleman from Illinois' (Mr. DAVIS) amendment required OPM to include

glaucoma screening in its study. This amendment was offered to better understand H.R. 3268, which was introduced by the gentleman from Maryland (Mr. CUMMINGS).

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H.R. 3268 would extend the same glaucoma screening coverage provided by Medicare to Federal employees who are in high-risk populations.

The studies conducted by OPM under H.R. 3751 will go a long way in helping the Federal Government to craft a better dental, vision and hearing benefit for Federal employees.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 3751, a bill to require the Office of Personnel Management to study and recommend options for enhancing the dental, vision and hearing benefits available to Federal employees. As the Federal Government strives to recruit top talent around the Nation, this issue plays a significant strategic role in attracting and retaining the very best to serve our country.

Currently, the dental, vision and hearing offerings available to those covered by the Federal Employees Health Benefits Program (FEHBP) can be described as inadequate at best. The Government's employees are often without proper dental care as part of their health insurance coverage. In fact, most plans in the FEHBP either do not offer dental and vision care, or cover only very minimal, basic procedures. While some plans do offer a supplemental dental package, they come at the cost of a very high premium.

By contract, dental and vision benefits offered to many employees in the private sector are more generous. A 2002 study by the Society for Human Resource Management determined that 96 percent of private sector firms offered dental coverage benefits. Furthermore, the Bureau of Labor Statistics reports that these private plans usually cover 100 percent of routine procedures and 50–80 percent of more expensive procedures.

According to the Office of Personal Management, Federal employees and retirees cite improved dental coverage as their most desired benefit enhancement. With these benefits so widely available in the private sector, the Federal Government cannot afford to ignore this issue, or it will lose the war for talent more often than it will win. The Government depends greatly on its competitive benefits packages to attract well-qualified candidates, and should explore the possibility of enhancing such benefits.

Putting more money into the system is not necessarily the answer, and this bill does not call for that. It simply requires the Federal Government's personnel experts, OPM, to study how to resolve this problem.

Whatever it reveals, the goal of the report is to recommend options for improving the availability of dental, vision and hearing benefits to employees in a way that fits within the current budgetary constraints. I urge all members to support H.R. 3751.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3751, as amended.

The title of the bill was amended so as to read:

''A bill to require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available.''.

A motion to reconsider was laid on the table.

2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3797) to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

The Clerk read as follows:

H.R. 3797

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 ''2004 District of Columbia Omnibus Authorization Act''.

SEC. 2. REQUIRING SUBMISSION OF PLAN BY SCHOOL BOARD FOR ALLOCATION OF FUNDS UNDER MAYOR'S PROPOSED BUDGET.

Section 452 of the District of Columbia Home Rule Act (sec. 1–204.52, D.C. Official Code) is amended—

(1) in the first sentence, by striking ''With respect to'' and inserting ''(a) ROLE OF MAYOR AND COUNCIL.—With respect to'';

(2) in the second sentence, by striking ''This section'' and inserting ''This subsection''; and

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

''(b) PLAN FOR ALLOCATION OF FUNDS UNDER PROPOSED BUDGET.—

''(1) SUBMISSION OF PLAN TO COUNCIL.—Not later than March 1 of each year or the date on which the Mayor makes the proposed annual budget for a year available under section 442 (whichever occurs later), the Board of Education shall submit to the Council a plan for the allocation of the Mayor's proposed budget among various object classes and responsibility centers (as defined under regulations of the Board).

''(2) CONTENTS.—The plan submitted under this subsection shall include a detailed presentation of how much money will be allocated to each school, including—

''(A) a specific description of the amount of funds available to the school for which spending decisions are under the control of the school; and

''(B) a specific description of other responsibility center funds which will be spent in a manner directly benefiting the school, including funds which will be spent for personnel, equipment and supplies, property maintenance, and student services.''.

SEC. 3. MULTIYEAR CONTRACTING AUTHORITY AND LEASING AGREEMENTS FOR DISTRICT OF COLUMBIA COURTS.

(a) AUTHORITY.—Subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1742 the following new section:

''§ 11–1742a. Multiyear contracting authority and leasing agreements

''(a) SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.—The Executive Officer may enter into a contract for procurement of severable services in the same manner and to the same extent as the head of an executive agency may enter into such a contract under section 303L of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531).

''(b) MULTIYEAR LEASING AGREEMENTS.—

''(1) AUTHORITY.—The Executive Officer may enter into a lease agreement for the accommodation of the District of Columbia courts in a building which is in existence or being erected by the lessor to accommodate the District of Columbia courts.

''(2) TERMS.—A lease agreement under this subsection shall be on terms the Executive Officer considers to be in the interest of the Federal Government and the District of Columbia and necessary for the accommodation of the District of Columbia courts. However, the lease agreement may not bind the District of Columbia courts for more than 10 years and the obligation of amounts for a lease under this subsection is limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31, United States Code.

''(c) MULTIYEAR CONTRACTS.—

''(1) AUTHORITY.—The Executive Officer may enter into a multiyear contract for the acquisition of property or services in the same manner and to the same extent as an executive agency may enter into such a contract under section 304B of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c). In applying such authority—

''(A) in section 304B(a)(2)(B)—

''(i) 'the best interests of the District of Columbia and the Federal Government' shall be substituted for 'the best interests of the United States'; and

''(ii) 'the courts' programs' shall be substituted for 'the agency's programs';

''(B) the second sentence of section 304B(b), and subsection (e), shall not apply; and

''(C) in section 304B(c), '$5,000,000' shall be substituted for '$10,000,000'.

''(2) CANCELLATION OR TERMINATION FOR INSUFFICIENT FUNDING AFTER FIRST YEAR.—In the event that funds are not made available for the continuation of a multiyear contract for services into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from—

''(A) appropriations originally available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or

''(C) funds appropriated for those payments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11–1742 the following new item:

''11–1742a. Multiyear contracting authority and leasing agreements.''.

SEC. 4. ESTABLISHMENT OF ACADEMIC YEAR AS FISCAL YEAR FOR DISTRICT OF COLUMBIA SCHOOLS.

Section 441 of the District of Columbia Home Rule Act (sec. 1–204.41, D.C. Official Code) is amended—

(1) in the first sentence, by striking ''The fiscal year'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the fiscal year'';

(2) by striking the third sentence; and

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

''(b) EXCEPTIONS.—

''(1) ARMORY BOARD.—The fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year.

''(2) SCHOOLS.—Effective with respect to fiscal year 2007 and each succeeding fiscal year, the fiscal year for the District of Columbia Public Schools (including public charter schools) and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.''.

SEC. 5. EXTENSION OF DEADLINE FOR COUNCIL TO ADOPT BUDGET TO ACCOUNT FOR DAYS OF RECESS.

Section 446(a) of the District of Columbia Home Rule Act (sec. 1–204.46(a), D.C. Official Code), as amended by section 101(a), is amended by striking ''50 calendar days'' and inserting ''56 calendar days''.

SEC. 6. EXEMPTION OF DISTRICT GOVERNMENT EMPLOYEES ON COMPRESSED SCHEDULE FROM FEDERAL OVERTIME REQUIREMENTS.

(a) IN GENERAL.—Section 7 of the Fair Labor Standards Act (29 U.S.C. 207) shall not apply to the hours of an employee of the District of Columbia government which constitute a compressed schedule.

(b) COMPRESSED SCHEDULE DEFINED.—In this section, the term ''compressed schedule'' means—

(1) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(2) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

(c) EFFECTIVE DATE.—This section shall apply with respect to hours occurring on or after the date of the enactment of this Act.

SEC. 7. AVAILABILITY OF ENFORCED ANNUAL LEAVE OR ENFORCED LEAVE WITHOUT PAY AS DISCIPLINARY ACTION FOR CORPORATION COUNSEL ATTORNEYS.

(a) IN GENERAL.—Section 856(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.56(a), D.C. Official Code) is amended by striking ''or reduction in grade,'' and inserting ''reduction in grade, or the placing of such attorney on enforced annual leave or enforced leave without pay,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 8. REGULATION OF DISTRICT OF COLUMBIA BANKS BY FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) FEDERAL DEPOSIT INSURANCE ACT.—(1) Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended—

(A) in subsection (a)(1)(A), by striking '', State bank, and District bank'' and inserting ''and State bank'';

(B) in subsection (a), by striking paragraph (4);

(C) in subsection (q)(1), by striking '', any District bank,'';

(D) in subsection (q)(2)(A), by striking ''(except a District bank)''; and

(E) in subsection (q)(3), by striking ''(except a District bank),''.

(2) Section 7(a)(1) of such Act (12 U.S.C. 1817(a)(1)) is amended by striking ''(except a District bank)''.

(3) Section 10(b)(2)(A) of such Act (12 U.S.C. 1820(b)(2)(A)) is amended by striking ''(except a District bank)''.

(4) Section 11 of such Act (12 U.S.C. 1821) is amended—

(A) in subsection (c)(2)(A)(i), by striking ''or District bank'';

(B) in subsection (c)(2)(A)(ii)—

(i) by striking ''or District bank''; and

(ii) by striking '' or the code of law for the District of Columbia''; and

(C) in subsection (c)(3)(A), by striking ''(other than a District depository institution)''.

(5) Section 18 of such Act (12 U.S.C. 1828) is amended—

(A) in section (c)(2)(A), by striking ''or a District bank'';

(B) in subsection (c)(2)(B), by striking ''(except a District bank)'';

(C) in subsection (c)(2)(C), by striking ''a District Bank or'';

(D) in subsection (d)(1), by striking ''(except a District bank)'' each place such term appears;

(E) in subsection (f), by striking ''or a District bank'';

(F) in subsection (i)(1), by striking ''(except a District bank)'';

(G) in subsection (i)(2), by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(H) in subsection (i)(2)(A) (as so redesignated by subparagraph (G)), by striking ''(except a District bank)''; and

(I) in subsection (i)(2)(B) (as so redesignated by subparagraph (G)), by striking ''(except a District bank)''.

(b) NATIONAL HOUSING ACT.—Section 203(s)(5) of the National Housing Act (12 U.S.C. 1709(s)(5)) is amended by striking ''or District bank''.

(c) BANK HOLDING COMPANY ACT.—The Bank Holding Company Act of 1956 is amended—

(1) in section 2(c) (12 U.S.C. 1841(c)), by striking paragraph (3); and

(2) in section 3(b)(1) (12 U.S.C. 1842(b)(1)), by striking ''or a District bank''.

(d) BANK PROTECTION ACT OF 1968.—Section 2(1) of the Bank Protection Act of 1968 (12 U.S.C. 1881(1)) is amended by striking ''and district banks''.

(e) DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.—The Depository Institution Management Interlocks Act (12 U.S.C. 3201 et seq.) is amended—

(1) in section 207(1), by striking ''and banks located in the District of Columbia''; and

(2) in section 209(1), by striking ''and banks located in the District of Columbia''.

(f) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended—

(1) in section 3(a)(34) (15 U.S.C. 78c(34)), by striking ''or a bank operating under the Code of Law for the District of Columbia'' each place such term appears in clause (i) of subparagraphs (A), (B), (C), (D), and (F);

(2) in section 3(a)(34)(G)(i) (15 U.S.C. 78c(34)(G)(i)), by striking '', a bank in the District of Columbia examined by the Comptroller of the Currency,'';

(3) in section 3(a)(34)(H)(i) (15 U.S.C. 78c(34)(H)(i)), by striking '' or a bank in the District of Columbia examined by the Comptroller of the Currency'';

(4) in section 12(i)(1) (15 U.S.C. 78*l*(i)(1)), by striking ''and banks operating under the Code of Law for the District of Columbia'';

(5) in section 17(f)(4)(A) (15 U.S.C. 78q(f)(4)(A)), by striking ''and banks operating under the Code of Law for the District of Columbia''; and

(6) in section 17(f)(4)(B) (15 U.S.C. 78q(f)(4)(B)), by striking ''or a bank operating under the Code of Law for the District of Columbia''.

(g) NATIONAL BANK RECEIVERSHIP ACT.—The National Bank Receivership Act is amended by striking section 6.

(h) FEDERAL RESERVE ACT.—The last sentence of the 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by striking ''(except within the District of Columbia)''.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER), and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan, Mrs. MILLER.

GENERAL LEAVE

Mrs. MILLER of Michigan. 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. 3797, and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

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

H.R. 3797, a bill introduced by the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), authorizes the operations of the District of Columbia government. The bill, the first of its kind, actually, provides a vehicle to address necessary changes in Federal law pertaining to the District of Columbia. This legislation will give the mayor and the city's leadership necessary autonomy by allowing them to only have to deal with the House Committee of Jurisdiction, the Committee on Government Reform, on changes to Federal laws that affect the District.

Mr. Speaker, I thank the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) for ushering H.R. 3797 through the Committee on Government Reform and on to the floor today, and I support its passage.

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

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

Let me begin by thanking my friend and colleague on the Committee on Government Reform, its chairman, the gentleman from Virginia (Mr. DAVIS), for working closely with me in moving H.R. 3797. This legislation institutes a new process that will significantly facilitate D.C. government operations, promote greater efficiency in Congress by conforming the handling of District of Columbia matters to House rules, and improve the efficiency of both the House and the District of Columbia on these matters.

This is the first time that the Committee on Government Reform, the authorizing committee for District of Columbia matters that must come to the Congress, has introduced a bill to enact legislative changes that have been

passed by the D.C. council, and are here only because they require affirmative action by Congress to become law because they amend the D.C. Home Rule Act, which can only be amended by the Congress.

Perhaps the most noteworthy provision, in light of recent events, is the change in the fiscal year for D.C. public schools and the University of the District of Columbia's academic year to conform to the school system's new fiscal year. Imagine the difficulties if the fiscal year and the academic year are not in tandem, as they have not been. The proposed change was already in the bill, but its necessity is underlined by the fact that this is one of the changes requested by the top candidate for superintendent of the D.C. public schools, Carl Cohen.

Similarly, as requested by the mayor and city council, H.R. 3795 amends the Home Rule Charter to give the city council and additional 6 days with which to review the mayor's proposed budget, restoring the full 50-day period to the council to allow the D.C. government to use compressed schedules in order to exempt employees from Federal overtime requirements, to allow the D.C. government to offer enforced annual leave, or enforced leave without pay as a disciplinary action for corporation counsel attorneys while an investigation is underway for alleged misconduct, and to allow oversight of D.C. chartered banks to be changed from the U.S. Office of the Comptroller to the Federal Deposit Insurance Corporation in order to bring D.C. banking law into conformity with what occurs in all 50 States, relieving the current regulatory burden that has discouraged the establishment of D.C. charter banks.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume to urge all Members to support the passage of H.R. 3797, and I also want to thank the chairman of the Committee, the gentleman from Virginia (Mr. DAVIS), for his outstanding leadership on this bill. It is really of vital importance to our Nation's capital, and I know the chairman is always working very hard to address all the challenges and concerns of the people of the District.

Mr. TOM DAVIS of Virginia. Mr. Speaker, please include the attached exchange of letters between Chairman MICHAEL G. OXLEY of the Committee on Financial Services, Chairman JOHN A. BOEHNER of the Committee on Education and the Workforce and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 3797 under general leave.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, March 9, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Washington, DC.

DEAR TOM: On February 26, 2004, the Committee on Government Reform ordered reported H.R. 3797, the 2004 District of Columbia Omnibus Authorization Act. As you know, the Committee on Financial Services was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction under Rule X of the Rules of the House of Representatives over banks and banking. Section 8 of the bill addresses the regulation of banks chartered by the District of Columbia by the Federal Deposit Insurance Corporation.

Because of your willingness to consult with my committee regarding this matter, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 3797. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 3797 or related legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 9, 2004.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Financial Services Committee's jurisdictional interest in H.R. 3797, the 2004 District of Columbia Authorization Act. As you have stated, Section 8 regarding the regulation of banks chartered by the District of Columbia by the Federal Deposit Insurance Corporation is within the jurisdiction of your Committee.

I agree that the Financial Services Committee does not waive its jurisdiction over H.R. 3797 by waiving further consideration of the bill. In addition, I will support your request for conferees from the Financial Services Committee should a House-Senate conference on this or similar legislation be convened.

As you have requested, I will include a copy of your letter and this response as part of the Government Reform Committee's report and the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 3797.

Sincerely,

TOM DAVIS,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, June 17, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing to confirm our mutual understanding with respect to consideration of H.R. 3797, the "2004 District of Columbia Authorization Act," which the Committee on Government Reform reported on February 26, 2004. This bill was referred to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce and Financial Services. Section 6, Exemption of District of Columbia Employees on Compressed Schedule from Federal Overtime Requirements, amends the Fair Labor Standards Act and is within the sole jurisdiction of the Committee on Education and the Workforce.

Given the fact that I support the policy contained in Section 6, I do not intend to ask for continued referral of H.R. 3797, nor will I object to the scheduling of this bill for consideration in the House of Representatives. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Education and the Workforce be appointed to the conference committee on those provisions.

Finally, I would ask that you include a copy of our exchange of letters on this matter in your report to accompany this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOHN A. BOEHNER,
Chairman.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 17, 2004.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Education and the Workforce Committee's jurisdictional interest in H.R. 3797, the 2004 District of Columbia Authorization Act. As you have stated, Section 6 exempting certain District of Columbia employees from overtime regulation under the Fair Labor Standards Act is within the jurisdiction of your Committee.

I agree that the Education and Workforce Committee does not waive its jurisdiction over H.R. 3797 by waiving further consideration of the bill. In addition, I will support your request for conferees from the Government Reform Committee should a House-Senate conference on this or similar legislation be convened.

As you have requested, I will include a copy of your letter and this response as part of the Government Reform Committee's report and the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 3797.

Sincerely,

TOM DAVIS,
Chairman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3797.

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.

NEWELL GEORGE POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 4222) to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building.''

The Clerk read as follows:

H.R. 4222

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

SECTION 1. NEWELL GEORGE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, shall be known and designated as the ''Newell George 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 Newell George Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. 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. 4222, and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4222, which names the postal facility in Kansas City after former Congressman Newell George.

Congressman George represented the second district of Kansas for one term in this House, from 1959 to 1961. Congressman George was the last resident of the City of Kansas City, actually, to represent the State of Kansas in the Congress. He later served as United States Attorney for the District of Kansas during the 1960s, after being appointed by President John F. Kennedy.

Newell George was a devoted, caring, vigorous public servant, who is highly deserving of this post office naming. It is a pleasure to support this meaningful measure, and I am hopeful and confident the entire House will as well.

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

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 4222, legislation naming a postal facility in Kansas City, Kansas, after Newell George. The measure was introduced by the gentleman from Kansas (Mr. MOORE) on April 27, 2004, unanimously reported by our committee on June 3rd, 2004, and enjoys the support and cosponsorship of the entire Kansas delegation.

Newell A. George had a distinguished career serving the citizens of Kansas. He served as a member of the 86th Congress from 1959 to 1961, representing the second congressional district. This district was later redesignated as the third congressional district following the 1960 congressional reapportionment.

While serving in Congress, Representative George served on the House Committee on Veterans' Affairs. After his defeat, former representative George served as U.S. Attorney for Kansas from 1961 to 1968. After that, he practiced law until his death in 1992.

Newell George was an exceptional public servant and active member of his community. Naming a postal facility after the late representative from Kansas honors his legacy and dedication to public service. I commend my colleague, the gentleman from Kansas (Mr. MOORE), for sponsoring this bill and I urge its passage.

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

Mr. MOORE. Mr. Speaker, as the author of H.R. 4222, I want to thank Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee for expediting the floor consideration of this legislation.

In introducing H.R. 4222, I was joined by Representatives TODD TIAHRT, JIM RYUN and JERRY MORAN. This legislation would designate the United States Postal Service facility located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building."

Newell Adolphus George served as a member of the 86th Congress, from 1959–61, representing the Second District of Kansas, which was redesignated as the Third District following the post-1960 congressional reapportionment. He was a member of the House Veterans' Affairs Committee. Born in Kansas City, Missouri, in 1904, he attended Hawthorne Grade School and Wyandotte High School in Kansas City, Kansas, as well as Wentworth Military Academy in Lexington, Missouri, and Park College in Parkville, Missouri.

After studying law at the University of Kansas City School of Law, Newell George obtained employment as a Capitol Hill elevator operator through the patronage of Senator George Mcgill of Kansas and graduated from the George Washington University Law School.

He then was an attorney for the Reconstruction Finance Corporation in Washington, D.C., from 1935–1937, a regional counsel for the War Manpower Commission from 1942–43, and a regional attorney for the Bureau of Employment Security and the Federal Security Agency from 1937–52. After the Democratic Party lost control of the Executive Branch, George served as first assistant Wyandotte County Attorney from 1953–58.

At that point, he began running for Congress, losing to incumbent Republican Errett Scrivner in 1954 and 1956. In 1958, however, a strong anti-Republican tide ran through the farm and western states, resulting in the defeat of numerous incumbent Senators and Representatives, including the defeat of Representative Scrivner by Newell George.

With Republican dominance returned to Kansas in 1960, Representative George was defeated for re-election by Robert Ellsworth of Lawrence, making Newell George the most recent resident of Kansas City to represent Kansas in the U.S. Congress.

After his defeat, however, George was the first U.S. Attorney nominated for appointment by the new Kennedy-Johnson Administration. Newell George served as U.S. Attorney for Kansas from 1961–68. After losing another congressional race in 1968 to Representative Larry Winn, Jr., George practiced law privately in Kansas City, Kansas, and died in 1992.

Married to the former Jean Hannan of Kansas City, Kansas, Newell George was an intrepid public servant and active, concerned citizen. In addition to his political activities, he was a member of Abdallah Shrine, Scottish Rite; a master of the West Gate Masonic Lodge; president of the Kansas City, Kansas, Hi-12 Club; a member of the Kansas State Hi-12 Association; a member of the Breakfast Optimist Club; a member of the Wyandotte County, Kansas and American Bar Associations, the American Judicature Society, Delta Theta Phi law fraternity, the American Academy of Political And Social Science, the Kansas City, Kansas Chamber of Commerce, the Terrace Club, the Top o' the Morning Club, and the First Presbyterian Church of Kansas City, Kansas.

Newell George's other public service included membership on the Kansas Public Disclosure Commission; the Civil Service Commission of Kansas City, Kansas; the Kansas State Government Ethics Commission; and service as a director of the Kansas Multiple Sclerosis Society. Nicknamed "Punk" by his friends, George's other activities included managing a string of boxers, after boxing himself at Wentworth Military Academy; bowling; and adding to a collection of old books—mainly Bibles and McGuffey readers—begun by his father.

In short, Mr. Speaker, Newell A. George was the kind of community oriented, politically active individual who made things happen on the state and local level in so many American cities during the middle third of the twentieth century. With regard to Kansas and Kansas City, he was one of a small but hardy group of Democratic activists who kept two-party government alive in one of our country's most Republican states. It is fitting, therefore, that the House today approves legislation introduced by the bipartisan Kansas House delegation that will designate Kansas City, Kansas', civil center post office in memory of U.S. Representative Newell George.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4222.

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.

RECOGNIZING AND ENCOURAGING ALL AMERICANS TO OBSERVE 40TH ANNIVERSARY OF THE DEATHS OF ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER, CIVIL RIGHTS ORGANIZERS

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 450) recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people.

The Clerk read as follows:

H. CON. RES. 450

Whereas Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote;

Whereas on June 21, 1964, after leaving the scene of a firebombed church in Longdale, Mississippi, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Ku Klux Klan who opposed their efforts to establish equal rights for African Americans;

Whereas June 21, 2004, is the 40th anniversary of the day Andrew Goodman, James Chaney, and Michael Schwerner sacrificed their lives in the fight against racial and social injustice while working to guarantee the right to vote for every citizen of the United States;

Whereas the deaths of the 3 men brought attention to the struggle to guarantee equal rights for African Americans which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the courage and sacrifice of Andrew Goodman, James Chaney, and Michael Schwerner should encourage all citizens of the United States, and especially young people, to dedicate themselves to the ideals of freedom, justice, and equality; and

Whereas citizens throughout the United States will commemorate the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner to honor the contributions they made to the Nation: Now, therefore, be it

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

(1) recognizes the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to the fundamental principles of freedom, equality, and democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 450, and to include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

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

Mr. Speaker, Dr. Martin Luther King once said, ''Injustice anywhere is a threat to justice everywhere.'' And during the Freedom Summer of 1964, a great injustice took place outside the small town of Philadelphia, Mississippi.

On June 21 of 1964, members of the Ku Klux Klan attacked and murdered three participants of the Freedom Summer project, an African American voter registration drive. Andrew Goodman, James Chaney, and Michael Schwerner were attacked after driving away from the scene of a firebombed church. The murders drew national attention to the civil rights movement taking place in the deep south.

Today, 40 years to the day after their murders, we remember the contributions to America and to the Civil Rights movement by Andrew Goodman, James Chaney and Michael Schwerner.

Mr. Speaker, four decades ago, poll taxes, overly-complex voting tests, and mental and physical attacks terribly discouraged African Americans from voting in Mississippi during the 1960s. The Freedom Summer project was launched to help combat this reality, and Goodman, Chaney and Schwerner were active organizers of this effort. Sadly, it was not until news coverage of their murders that many Americans became aware of the unbelievable violence that was taking place here in our own country. The brutal murder of these three brave men was indeed a momentous event. In fact, it provided the basis for the 1988 film ''Mississippi Burning.''

Mr. Speaker, I want to congratulate my distinguished colleague, the gentleman from New York (Mr. OWENS), for his work to bring this solemn anniversary to all of our attention. House Concurrent Resolution 450 is an important reminder of America's volatile past, and it aims to help all Americans work to assure that such atrocities will never happen again.

Mr. Speaker, I strongly urge the resolution's adoption.

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

The SPEAKER pro tempore. Without objection, and pursuant to unanimous consent, the gentleman from Georgia (Mr. LEWIS) will control the time.

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had the opportunity yesterday to visit the State of Mississippi and to visit the city of Philadelphia in Neshoba County.

□ 1500

Hundreds of black and white citizens gathered in Neshoba County in the city of Philadelphia. The mayor of the city of Philadelphia, the Governor, former Governor Winters, the former Secretary of State, Dick Molpus, and hundreds and hundreds of other citizens gathered to pay tribute to these three young men.

Forty years ago today, three courageous young Americans, Andy Goodman, James Chaney and Mickey Schwerner, paid the ultimate price for trying to secure voting rights for all of our citizens. These three young men, simply because they were black and white working together to expand democracy, were arrested by the sheriff and his deputy. Later that same evening, they were taken to jail and turned over to the Klan where they were beaten, shot, and killed.

As I said yesterday, and I will say it again today, it is unbelievable, it is unreal, but it did happen. These three young people did not die in Europe, they did not die in Africa, in Vietnam or the Middle East, but right here in our own country, in the heart of the South, in the State of Mississippi. As a Nation and as a people we must never, ever forget the sacrifice they made. Their blood helped to cultivate and grow the seeds of our democracy.

Forty years ago in the State of Mississippi, that State had a black voting age population of more than 450,000, but only about 16,000 blacks were registered to vote. People had to pass a so-called literacy test and interpret some section of the constitution of the State of Mississippi. On one occasion there was a man who had a graduate degree, a Ph.D. degree, and he flunked the so-called literacy test. On another occasion in an adjoining State, the State of Alabama, a man was asked to give the number of bubbles in a bar of soap.

These three brave and courageous citizens, young citizens of America, must be looked upon as the founding fathers of the new America. James Chaney, Mickey Schwerner, and Andy Goodman helped beat down one of the mightiest walls of resistance to equal justice in America. We must never, ever forget their sacrifice for the freedom of us all. They made it possible for many of us to stand here today in this Congress.

Mr. Speaker, it is my great pleasure and my delight to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON), who came to Mississippi as a young lawyer, brave, courageous, to work during the summer of 1964 with those of us in the Student Nonviolent Coordinating Committee.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

At the time that I was in Mississippi, the gentleman was Chair of the Student Nonviolent Coordinating Committee. And while in 1964, I guess I had become a lawyer because I had graduated, I first came to Mississippi in 1963 in order to prepare for the summer of 1964 when students would come to the South and help the Student Nonviolent Coordinating Committee to register African Americans to vote in large numbers in the South.

The gentleman from Georgia and our Southern colleagues in the Student Nonviolent Coordinating Committee had, in fact, essentially opened up much of the Southeast and they wanted to tackle Mississippi, the hardest territory in the civil rights struggle. In the summer of 1963, we experimented with freedom schools, which is what we were about doing in 1964. We were going to bring African Americans, the sharecroppers out of the cotton fields, talk about how they should prepare themselves to pass the test, and try to register people.

The summer of 1964 was a summer of both heartbreak and hope because no sooner had the students arrived than we lost three of them in one of the worst atrocities in the entire history of our country in Philadelphia, Mississippi, an unforgettable sacrifice of three young people, one a native of Mississippi, the other two from the North who had simply come to peacefully register people.

We must not forget the summer of 1964, because while it was the summer of great sacrifice, it was also the summer when, in fact, at the Democratic National Convention, we broke the notion that delegations to political conventions could be discriminatory. It was the summer when we were passing the 1964 Civil Rights Act. Indeed, a bill on suspension to commemorate the 40th anniversary of the 1964 Civil Rights Act will be on the floor.

But it is important for us not to forget how we got to these great landmarks, particularly the civil rights legislation. We got to them through a lot of sacrifice, some sacrifice by very young people who helped our country reach one of its greatest aspirations, and that is that everybody should be treated the same way and have the right to vote.

We remember Goodman, Chaney, and Schwerner today for the tragedy, to be sure, but for the way in which their sacrifice reminded people that we could overcome this greatest flaw in our democracy. We are still in the process of overcoming. But we will have a much better chance of achieving a more perfect society with racial discrimination gone if we remember the sacrifices of such Americans as these very young men, Goodman, Chaney, and Schwerner.

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

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

Let me also say that we certainly honor the gentleman from Georgia as well as the gentlewoman from the District of Columbia. They have earned all the respect of every American. They certainly are some of the greatest civil rights leaders that this Nation will ever have seen. Let me say that we honor them both as well.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentlewoman for her kind remarks.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the 40th anniversary of the devastating murder of three courageous civil rights heroes. We must preserve the memory of James Chaney, Andrew Goodman, and Michael Schwerner, who boldly fought for African American suffrage and helped strengthen the historic alliance between African Americans and Jews. The initial disappearance of these three leaders spurred new efforts to register African Americans to vote. Later on, national indignation over their murders provided the final impetus for the passage of President Johnson's 1964 Civil Rights Act. Together with the Voting Rights Act passed the following year, legally mandated segregation in Mississippi and throughout the South was abolished.

The Congress of Racial Equality, (CORE) called the summer of 1964 "Freedom Summer" and led a massive voter registration and desegregation campaign in Mississippi. This summer was filled with the promise of implementing successful civil rights reforms. On June 21st as part of the Freedom Summer activities, Chaney, Goodman and Schwerner drove to Neshoba County to express sympathy with the congregation of Mt. Zion Church, which had been recently demolished by the Klu Klux Klan. In a conspiracy between elements of the local law enforcement and the Ku Klux Klan, the activists were arrested, and upon their release taken to a remote area, brutally beaten, and shot to death.

James Chaney, an African American civil rights worker from Mississippi, had recently begun to volunteer at the new CORE office in Meridian, Mississippi. Chaney had rapidly become the chief aide, guide, and companion to the CORE director, Matt Suarez. He was only 21 when he was murdered.

Andy Goodman, a white, Jewish, civil rights worker from New York, had arrived earlier that morning in Mississippi to participate as a volunteer in the Mississippi Summer Project. Goodman was known as an intelligent, unassuming, happy, and outgoing youth, and had arrived excited and anxious to improve the rights of African Americans. He was only 20 when he was murdered.

Michael Schwerner, another white, Jewish, civil rights worker from New York, was on a mission in Mississippi to reorganize the community center as well as other programs. Schwerner was the first white civil rights worker to be permanently based outside of Jackson, Mississippi. Although he came under attack, including hate mail, threatening phone calls, and police harassment for his determined efforts to register African Americans to vote, his dedication to fostering tolerance was unwavering. He was only 24 when he was murdered.

Since their tragic murder, the family members of these three activists have continued to preserve both their memory as individuals and their legacy within United States history. To honor the 25th anniversary of the murders, their family members spoke at an African American—Jewish communal relations Seder. James Chaney's brother, Ben, has dedicated his life to ensuring the civil rights of all Americans. This year, as founder of the James Earl Chaney Foundation, he created the Freedom Summer 2004 Ride For Justice. The 20-bus caravan embarked on June 10th and is currently traveling around the country to visit a variety of historically important civil rights memorial sites, including the grave of his brother. Ben is also continuing the mission of voter registration for which the three men were murdered.

These three civil rights workers are among the few of the brave leaders who led our country out of the darkness of intolerance and discrimination, allowing future generations to live without fear. All of us as Americans must take the time today, and every day in the future, to make a firm commitment to honor their memory by fighting even harder to safeguard the ideals for which they stood. We can learn from what they embodied and continue their work to stamp out prejudice forever. It is our duty to remember by guaranteeing that the African American voice be heard through the ballot box. We must preserve the historic ties of oppression that bind the African American and Jewish communities together. For the three who died, we will still continue the struggle for justice.

Mr. Speaker, I urge my colleagues to reflect on the passing of James Chaney, Andrew Goodman, and Michael Schwerner, and to honor them by promoting tolerance and preserving the civil liberties and right to equality to which every American, regardless of their race, gender, ethnicity or religion, is entitled.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the bill before us, H. Con. Res. 450, and thank the gentleman from New York, Mr. OWENS, for his hard work in bringing it to the floor for passage. I am an original co-sponsor of this legislation because it calls us to recognize three young men who were in fact civilian soldiers. They knew the grave dangers that faced them and yet they entered a hostile area to ensure that all men and women in our Nation would have equal access and opportunity to exercise the fundamental right to vote. These young men lived lives of peace, but unfortunately their lives were taken away from them through violence. Every young person in this country can take Michael Schwerner, Andrew Goodman, and James Chaney as role models, true examples of self-sacrifice and courage, individuals who not only served others, they in fact changed the course of our Nation through their actions.

The solidarity that these noble men displayed despite the pressures that existed to keep African Americans and Whites divided was unprecedented and evidence of pure leadership. Michael Schwerner, Andrew Goodman, and James Chaney knew that their actions to increase voter rights and the fact that they were a coalition of two White and one African-American men would incite hatred, disgust, and violent reaction. Their deaths ultimately facilitated the passage of one of the Civil Rights bills and showed America that the two races could unite. Therefore, we will always remember them as martyrs of an honorable cause in the same ilk as Dr. Martin Luther Kind, Jr., and Malcolm X.

I want to take a moment to talk about these three young men as individuals. I hope that through the retelling of their lives we will be able to understand that these three men were normal individuals with families who loved them and hopes for the future, but instead of living a safe life they took an extraordinary chance to fulfill justice and now today they have rightfully assumed the mantle of greatness.

James Chaney was born May 30, 1943 in Meridian, Mississippi to Ben and Fannie Lee Chaney. In 1963, he joined the Congress of Racial Equality (CORE). In 1964, CORE led a massive voter registration and desegregation campaign in Mississippi called Freedom Summer. Chaney had begun volunteer work at the new CORE office in Meridian in October, 1963, his work ranged from constructing bookshelves at the community center to traveling to rural counties to set up meetings. Chaney, being black, was able to go places while CORE members were afraid to go. Chaney was only twenty-one when he died on Rock Cut Road.

Andrew Goodman was only 20 when he died on Rock Cut Road on June 21, 1964, near the end of his first full day in Mississippi. Goodman had arrived in the state early the previous morning after attending a tree-day training session in Ohio for volunteer for the Mississippi Summer Project. Goodman arrived in Mississippi excited and anxious to get to work. Goodman was intelligent, unassuming, happy, and outgoing. While a high school sophomore, Goodman traveled to Washington, DC to participate in the "Youth March for Integrated Schools." Although not seeing himself as a professional reformer, Goodman knew that his life had been somewhat sheltered and thought that the experience would be educational and useful.

Michael Schwerner was the most despised civil rights worker in Mississippi. Klan Imperial Wizard Sam Bowers ordered Schwerner's "elimination" in May, 1964. The Klan finally got their chance to carry out the elimination order on June 21. Because they were with Schwerner, and would know too much if they were not killed, James Chaney and Andy Goodman also had to die. Schwerner had come to Mississippi in January of 1964 with his wife Rita after having been hired as a CORE field worker. In his application for the CORE position, Schwerner, a native of New York City, wrote "I have an emotional need to offer my services in the South." Schwerner added that he hoped to spend "the rest of his life" working for an integrated society. On January 15, 1964, Michael and Rita left New York in their VW Beetle for Mississippi. After talking with civil rights leader Bob Moses in Jackson, Schwerner was sent to Meridian to organize the community center and other programs in the largest city in eastern Mississippi. Schwerner became the first white civil rights worker to be permanently based outside of the capital of Jackson. Once in Meridian, Schwerner quickly earned the hatred of local KKK by organizing a boycott of a variety store until the store, which sold mostly to blacks, hired its first African American. He also came under heavy attack for his determined efforts to register blacks to vote. After a few months in Meridian, despite hate mail and threatening phone calls and police harassment, Schwerner believed he made the right decision in coming to Mississippi. Mississippi, he said, "is the decisive battleground for America. Nowhere in the world is the idea of white supremacy more firmly entrenched, or more cancerous, than in Mississippi." Michael Schwerner was only twenty-four when he was killed in Meridian.

Mr. Speaker, we must work to ensure that Michael Schwerner, Andrew Goodman, and James Chaney did not die in vain. The Civil Rights movement exists only as much as we act and these three young men are the epitome of that idea. I support this legislation and hope that my colleagues will do the same to send the message that the great sacrifices of these heroic individuals will never be forgotten.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 163

Ms. NORTON. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 163.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

CONGRATULATING RANDY JOHNSON OF THE ARIZONA DIAMONDBACKS ON PITCHING A PERFECT GAME

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 660) congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004.

The Clerk read as follows:

H. RES. 660

Whereas on May 18, 2004, Randy Johnson of the Arizona Diamondbacks became only the 17th pitcher in Major League Baseball history to throw a perfect game;

Whereas at age 40 Randy Johnson is the oldest pitcher in Major League Baseball history to throw a perfect game;

Whereas Randy Johnson is only the 5th pitcher in Major League Baseball history to throw no-hitters in both the American and National Leagues;

Whereas throughout his 17 years in Major League Baseball, Randy Johnson has won a World Series, been named World Series co-MVP, thrown 2 no-hitters, won Cy Young Awards in both the American and National Leagues, and set multiple strikeout records, trailing only Nolan Ryan, Roger Clemens, and Steve Carlton on the all-time strikeout leaders list;

Whereas by pitching a perfect game Randy Johnson joins an elite class of pitchers that spans the ages and includes some of the all-time baseball greats, including John Ward of the Providence Giants, John Richmond of the Worcester Brown Stockings, Cy Young of the Boston Pilgrims, Addie Joss of the Cleveland Indians, Charlie Robertson of the Chicago White Sox, Don Larsen of the New York Yankees, Jim Bunning of the Philadelphia Phillies, Sandy Koufax of the Los Angeles Dodgers, Catfish Hunter of the Oakland Athletics, Len Barker of the Cleveland Indians, Mike Witt of the California Angels, Tom Browning of the Cincinnati Reds, Dennis Martinez of the Montreal Expos, Kenny Rogers of the Texas Rangers, David Wells of the New York Yankees, and David Cone of the New York Yankees;

Whereas during his perfect game Randy Johnson threw only 117 pitches, 87 of which were strikes, struck out 13 of the 27 hitters he faced, and had his last pitch clocked at 98 miles per hour; and

Whereas Randy Johnson is considered one of the best pitchers in baseball today, and his perfect game only adds to his impressive list of accomplishments and his reputation as one of the dominant pitchers in baseball history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; and

(2) recognizes Randy Johnson for a brilliant career.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Georgia (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

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

May 18, 2004, will go down in history for all fans of the Arizona Diamondbacks and all fans of Major League Baseball because on that night, 40-year-old Randy Johnson became the oldest pitcher in major league history to throw a perfect game. He retired all 27 Atlanta Braves he faced to lead his team, the Arizona Diamondbacks, to a 2–0 victory. It took him 117 pitches to throw the first perfect game, and first no-hitter, in Diamondbacks' history. Johnson became only the 17th pitcher in major league history to pitch a perfect game. On this day in May, Randy Johnson was, indeed, perfect. He recorded 13 strikeouts, and he put out the other 14 Atlanta hitters during his dazzling display of pitching dominance.

Perhaps the neatest thing about Johnson's perfect night was the support he enjoyed from the Atlanta fans. As Johnson neared his momentous accomplishment toward the end of the game, the 20,000-plus fans in Atlanta, keep in mind these are the fans of the opposing team, encouraged him with standing ovations and chanted his name. It was a terrific night for America's favorite pastime and a terrific night for Randy Johnson and the Arizona Diamondbacks.

Mr. Speaker, the House salutes Randy Johnson for pitching a perfect game. The gentleman from Arizona (Mr. SHADEGG) is the sponsor of this resolution and certainly he should be applauded for his eagerness to honor Randy Johnson's historic feat. I certainly encourage all Members, even

those who are Braves fans, to support House Resolution 660.

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to congratulate Mr. Randy Johnson on his perfect game. Throughout his long career, Mr. Johnson has been a fierce opponent with his vicious change-up and scorching fastball. On May 18, Mr. Johnson achieved perfection. At the age of 40, and after being awarded the Cy Young award in both the American and National Leagues, Randy Johnson threw a perfect game. He is the oldest pitcher to achieve this athletic triumph.

With this achievement, Mr. Johnson joins an elite class of pitchers that spans the history of America's game and include baseball legends Cy Young, Don Larsen, Sandy Koufax, and Catfish Hunter.

Mr. Johnson has been one of the preeminent pitchers in baseball over a career that has spanned 17 years. We congratulate Randy Johnson for pitching a perfect game and recognize him for a brilliant pitching career.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I rise in support of H.R. 660 and to congratulate and honor Randy Johnson of the Arizona Diamondbacks, more affectionately known to us in Arizona as ''The Big Unit.'' As I think everyone knows, on May 18 of this year in an extraordinary feat against the Atlanta Braves, Randy Johnson became only the 17th pitcher in the history of major league baseball to throw a perfect game. That is right. Twenty-seven Atlanta Brave hitters came to the plate, and 27 Atlanta Brave hitters went down.

Now, many of us strive for perfection in many aspects of our lives, but it is rarely achieved; but not only did Randy Johnson do this on May 18, but he was at the time 40 years old, making him the oldest pitcher in Major League Baseball to throw a perfect game.

Now, prior to that, Cy Young, in whose name a famous award is given each year, at the age of 37 had been the oldest pitcher to throw a perfect game, having done it 100 years ago in 1904.

Randy Johnson is also only the fifth pitcher in major league history to throw no-hitters in both the American and the National Leagues. In fact, Johnson's previous no-hitter came in 1990 while pitching for the Seattle Mariners.

Johnson grew up in Livermore, California, where his father, Bud, was a police officer at Lawrence Livermore National Laboratory. As a young boy, Randy would practice pitching against his garage door, pretending to be in the big leagues. Even at 8 years old, Johnson threw the ball so hard it would pop nails loose from the wood siding. After he was done, his father would proudly come up to him and hand him a hammer and tell him to go put the nails back into the wall.

Standing 6 feet 10 inches and with a 38-inch arm, Johnson is one of the most intimidating pitchers in all of the game of baseball; and it has earned him, as I indicated, the nickname ''The Big Unit.''

Randy Johnson's perfect game will certainly fit nicely within his already very, very impressive list of accomplishments.

Throughout his 21 years in Major League Baseball, Randy Johnson has won a World Series, beating the New York Yankees in 2001; during his tenure, he has been named World Series co-MVP, along with former Diamondback pitcher Curt Schilling; thrown no-hitters in both the American and National leagues; as I mentioned, won the Cy Young Awards in both the American and National Leagues; and set multiple strikeout records, trailing only Nolan Ryan, Roger Clemens, and Steve Carlton on the all-time strikeout leaders list.

By pitching a perfect game, Randy Johnson joins an elite class of pitchers that spans the ages and includes some of the all-time baseball greatest. In his quest for perfection, Randy Johnson threw only 117 pitches, 87 of which were strikes. He struck out the first 13 of 27 hitters he faced, utilizing his blistering fastball and devastating slider to perfection, and went to a three-ball count on just one Braves hitter.

To understand just how perfect ''The Big Unit'' was on this night, we need only look at the radar gun on his very last pitch. Randy Johnson's 117th pitch of that night, his final pitch, was clocked at a shocking 98 miles an hour.

Randy Johnson is considered one of the best pitchers in Major League Baseball today and has set a course that will lead him straight to Cooperstown. I am very proud to honor him in this effort.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 660.

The question was taken.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 660, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

CONGRATULATING DETROIT PISTONS ON WINNING THE 2004 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 679) congratulating the Detroit Pistons on winning the 2004 National Basketball Association championship.

The Clerk read as follows:

H. Res. 679

Whereas on June 15, 2004, the Detroit Pistons defeated the Los Angeles Lakers to win the 2004 National Basketball Association (NBA) Championship;

Whereas the Pistons defeated the Milwaukee Bucks four games to one in the first round of the playoffs;

Whereas the Pistons defeated the defending Eastern Conference Champion New Jersey Nets four games to three in the hard fought Eastern Conference Semifinals;

Whereas the Pistons defeated the Indiana Pacers, the number one seeded team in the Eastern Conference, four games to two in the Eastern Conference Finals;

Whereas the Pistons defeated the Lakers four games to one in the NBA Finals, winning their first NBA Championship since 1990 and becoming the first Eastern Conference team to win the championship since 1998;

Whereas the gritty offense of the Pistons was lead by Richard Hamilton, who averaged more than 21.5 points and 4.2 per assists per game throughout the NBA playoffs;

Whereas Rasheed Wallace overcame a foot injury to provide 26 points and 13 rebounds in the crucial game four victory;

Whereas Ben Wallace, a two-time NBA defensive player of the year and three-time member of the NBA All-Defensive First Team, brought the working-class mind-set to the Pistons and symbolizes the Pistons stifling defense;

Whereas Tayshaun Prince played tenacious defense and prevented Lakers superstar Kobe Bryant from being an effective scorer against the Pistons;

Whereas Chauncey Billups was voted the Most Valuable Player of the Finals for his outstanding performance throughout the NBA playoffs, averaging 21 points and 5.2 assists while only committing 2.6 turnovers per game;

Whereas Head Coach Larry Brown did an outstanding job preparing the Pistons for victory over an exceptional Lakers team and became the first head coach to win both the NBA and National Collegiate Athletic Association (NCAA) Basketball Championships;

Whereas former Piston and current President of Basketball Operations Joe Dumars, Coach Brown, and assistant coaches John Kuester, Mike Woodson, Dave Hanners, Herb Brown, and Igor Stefan Kokoskov have provided strong leadership and solid coaching, resulting in a basketball team in which teamwork and hard work are the rule and not the exception;

Whereas Pistons fans have shown undying support for their team, leading the league in attendance in a year where attendance records were broken throughout the NBA;

Whereas the Pistons exemplify what can be achieved by a talented group of players working together for a common goal;

Whereas the Pistons have shown that basketball remains a team sport and have reminded fans that the game is still a team game with fundamentals at its heart and soul;

Whereas sportswriter Eric Neel wrote of the Pistons, ''Once upon a time, there was a shared ball on offense and a shared responsibility on defense. In their Game 5 victory, as in the previous four games, it was that time all over again. We've got retro jerseys and throwback sneaks, now we've got a world champion from back in the day, to go with them.'';

Whereas the success of the Pistons is a result of contributions from the entire roster of players, including Chauncey Billups, Elden Campbell, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, and Corliss Williamson; and

Whereas the Pistons displayed tremendous strength, ability, and perseverance during the 2003–2004 season, attributes that are reflective of the hardworking people of the metropolitan Detroit region and the State of Michigan, and have epitomized the team slogan ''Goin' to work. Every night.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Detroit Pistons for winning the 2004 National Basketball Association (NBA) Championship and for their outstanding performance during the entire 2003–2004 season; and

(2) recognizes the achievements of all the players, coaches, and staff of the Pistons, who were instrumental in helping the Pistons win a third NBA Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Georgia (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

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

June 15, 2004, is a date to be remembered throughout the metropolitan Detroit area and the entire great State of Michigan. On this Tuesday night, the underdog Detroit Pistons ended a phenomenal season by defeating the Los Angeles Lakers 100–87 to win the 2004 NBA championship four games to one.

Heading into the series, the Lakers were the overwhelming favorites to defeat the Pistons, but the Pistons possessed one defining characteristic which did not show up on paper: they were a group of dedicated teammates working toward a common goal.

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This team, under the great leadership of Coach Larry Brown, showed unprecedented teamwork and desire. And it was a beautiful thing to watch.

The Pistons are really fitting representatives for the people of Southeast Michigan. They might not be media superstars. They might not have the Hollywood elite watching them from their courtside, but they have a blue-collar work ethic and they thrive on great teamwork. And when everything is working against them and their backs are up against the wall, they rise to the occasion. The Pistons proved that strong defense and selfless play can deliver overwhelming victory.

Mr. Speaker, the ''Bad Boys'' of Detroit are back; and the people of Michigan are proud to call this team our own. The Pistons motto is ''Going to work.'' Their spirit and their desire is a reflection of Michigan. This attitude is not pretty. It is not flashy. It is gritty. It leads to scraped elbows, bloody noses. But most importantly, it conceives a desire to get the job done.

Team president Joe Dumars, a great champion as a Pistons player himself, took control of the team when a championship was really only a dream. He brought in players who display the same work ethic as he was known for as a player. He hired coaches who understand the role of individuals within a team and who could get these players to perform to their full potential, and despite the critics, the results speak for themselves. Well done Joey D.

Mr. Speaker, prior to the championship series, people around the Nation were not giving the Detroit Pistons a chance. But as the series progressed, it became apparent who was the best team in the NBA.

Finals MVP Chauncey Billups was scoring and passing with the heart of a champion. Rip Hamilton ran circles around defenders. Ben Wallace defended and rebounded like a man possessed. Fear the 'fro, NBA. Rasheed Wallace provided veteran leadership and intimidation like no one else. Tayshaun Prince scored and defended with an elegance that seemed effortless.

And when the Detroit bench was called to duty, the players answered the call. Each and every player knew that as a team, they would be successful, they knew that the work would not be done until the final buzzer.

Mr. Speaker, the entire team showed what teamwork and hard work can do, and Larry Brown was the perfect coach. No coach in sports is more respected than Larry Brown, and I can speak for all Pistons fans in hoping that he will call himself a Detroit Piston for many years to come.

And, finally, Mr. Speaker, we cannot honor the Pistons without mentioning their owner, Bill Davidson. He is a great man who is renowned for his generosity in his charitable works, not just in Michigan or in Southeast Michigan, but throughout our entire Nation and, in fact, the world. His players are a reflection of him, hard working, selfless, and they care about their communities. I congratulate and thank Mr. Davidson.

So, Mr. Speaker, the House solutes the Detroit Pistons for winning the 2004 NBA championship, and after the fireworks have gone off and the parades are over, one team stands above all the rest, the Detroit Pistons.

I encourage all Members to agree to House Resolution 679.

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take the time today to congratulate the Detroit Pistons on their inspiring run through the NBA season and playoffs and on their first NBA as championship since 1990.

Behind the leadership of the legendary Head Coach Larry Brown, the Pistons displayed a sense of purpose and energy often missing in the NBA game today.

On the court a trio of stars and an excellent supporting cast led the team brilliantly. Despite suffering a broken bone in his face, Richard Hamilton led the Pistons offensively all season and played his best basketball of the season in the playoffs, when he averaged 21.5 points per game.

The Pistons' vaunted defense was led all season by two-time NBA defensive player of the year, winner Ben Wallace, who brought a no-nonsense style to the Pistons.

Though one of the league's best teams last year, team finally came into championship form in mid-season this year when a trade brought forward Rasheed Wallace to the team. Mr. Wallace's veteran experience was the final piece needed as the Pistons stormed through the regular season and the playoffs.

In the finals, the Pistons were regarded as the heavy underdog to the Los Angeles Lakers. However, once again, the Pistons bucked these seemingly insurmountable odds and won the championship series in games. This was basketball at its best.

In closing, I join my colleague. I too want to congratulate the Pistons for their spectacular season, and I look forward to watching them bring the same sort of excitement to basketball again next year. It was basketball, good basketball, wonderful basketball.

I have a lot of relatives living in Detroit, and they were rooting for the Pistons, and I was rooting with them for the Pistons. Go Pistons, go.

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

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

Unfortunately, I missed the last game because we were here voting, but

I was at game 4, where I had my thundersticks. Go Pistons.

Mr. CONYERS. Mr. Speaker, it is with great pride that I rise today to congratulate the Detroit Pistons on winning this year's National Basketball Association championship. It has been 14 long years since the Pistons last brought the Larry O'Brien championship trophy home, but their hard won victory of defeating the Lakers is the epitome of the teamwork at its absolute best. If ever a championship fits the personality of a community, this one does.

The Pistons entered this year's NBA tournament as the definitive dark horse. While Detroit's stifling defensive was universally acknowledged, few outside of the Detroit Metro area and the Piston fan diaspora thought the Pistons' gritty offense and stifling defense could beat the defending Eastern Conference Champion New Jersey Nets. However, the Pistons, like they did all year, proved their critics wrong. Demonstrating the strength and determination that would become their hallmark in the series against the Lakers, the Pistons came back to win the series against the Nets after a triple overtime loss in Game 5 as well as a heart breaking loss to the Lakers in game 2 of the Finals. Indeed, the Pistons' ability to rebound after stunning losses have gained the admiration of America.

This team was about true sportsmanship and selflessness. Every Piston could vie for the Most Valuable Player award because each of them played with remarkable fortitude and consistence. Whether Detroit won because of the stepped up play of Richard ''Rip'' Hamilton (averaging over 21.5 points and 4.2 assists per game throughout the post-season), Ben Wallace's season-long hard nosed defensive leadership (averaging a double-double in points scored, with 10.3 per game, and rebounds, with 14.3 per game), Chauncey Billups's post-season play against the Lakers (averaging 21 points and 5.2 assists for the Pistons despite being guarded by two future Hall of Famers, Gary Payton and Kobe Bryant), or the tremendous Pistons bench. They are a true model of what can be achieved with team work: success.

I am particularly excited that the city of Detroit won this championship at this time. Mr. Speaker, during the past few years the Metro Detroit area has lost tens of thousands of manufacturing jobs, some of which will never come back to this great city. The Detroit Pistons winning this championship has brought back hope and a sense of optimism that Detroit desperately needs. Specifically, the team's motto, ''Goin' to work. Every night,'' exemplifies the strength and tenacity both of the Pistons and of the great citizens of Detroit.

The moral of this championship is that you never know what you can achieve until you try. Go Pistons.

Mr. KNOLLENBERG. Mr. Speaker, I rise to congratulate the Detroit Pistons. Tuesday night, playing at the Palace of Auburn Hills in my district, the Pistons defeated the Los Angeles Lakers to win the 2004 NBA championship.

From top to bottom, the Pistons were a model of teamwork and dedication. Owner Bill Davidson provided the foundation for the Pistons' championship and has been a positive member of the Detroit and southeast Michigan community for years. President of Basketball Operations Joe Dumars built this team and coach Larry Brown molded the Piston players into a cohesive, team-first group.

This has been a very exciting season for the people of Michigan. They have embraced the Pistons, as millions outside of Michigan have. Fans identified with this team. The Pistons represented core American values of hard work, persevering through difficult times, and sharing both success and failures with family and loved ones.

I want to thank the Pistons and everyone in their organization for giving us from Michigan a team to be proud of.

Mr. KILDEE. Mr. Speaker, I am very glad to join my Michigan colleagues in congratulating the Detroit Pistons on winning the 2004 National Basketball Association (NBA) Championship. This is truly a remarkable achievement and the entire city of Detroit and the State of Michigan are very proud. I have had the pleasure of representing the city of Auburn Hills, location of The Palace, home of the Detroit Pistons. I have also been lucky enough to see firsthand the Detroit Pistons in action there.

On June 15, 2004, the Pistons defeated the Los Angeles Lakers to win the title. This amazing accomplishment came from a great team comprised of players Chauncey Billups, Elden Campbell, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, and Corliss Williamson.

I am especially proud of Pistons Forward Darvin Ham who is a Saginaw, Michigan native. His mother is Wilmer Jones-Ham, the mayor of Saginaw. Darvin played high school basketball at and graduated from Saginaw High School. He went on to play college basketball at Texas Tech University where he helped lead the Red Raiders to a 1996 NCAA Sweet 16 appearance. Darvin played an integral role with the team and is highly deserving of the championship ring he will now wear.

Darvin and the rest of the Pistons who many had said could not compete with the Lakers are truly representative of Saginaw and the entire State of Michigan. Their hard work and never-say-die attitude will hopefully bring them more championships in the very near future. Once again, I congratulate the Detroit Pistons for winning the 2004 NBA Championship.

[From the Saginaw (MI) News, June 16, 2004]

''MAMA HAM'' CHEERS DARVIN

(By Greg Mancina)

''Mama Ham'' was doing a jig early this morning while waiting for her World Champion son, Darvin, to come back out of the Detroit Pistons locker room in The Palace of Auburn Hills.

''I'm trying to keep my composure, but it's hard,'' admitted Wilmer Jones Ham, called ''Mama Ham'' by the Pistons players.

''The winning spirit of victory is in the air.''

That winning spirit came from a 100–87 shellacking of Shaquille O'Neal's Los Angeles Lakers Tuesday that gave the Pistons their third NBA title and Darvin Ham his first championship ring after what many national pundits are calling the biggest upset in NBA Finals history.

The Pistons were low-down underdogs to the powerful L.A. Lakers, and its star-studded roster, bench and crowd. But something happened on the way to their coronation—a better team showed up, one that included Saginaw's Darvin Ham.

''I'm just trying to soak it all in,'' said Ham, who finally emerged from the locker room and popped into the team's post-game dinner in an upstairs dining room at the Palace at about 2:30 a.m. ''We did it, baby!''

And Darvin Ham knew it all along.

''I knew back in February we had a championship quality ballclub,'' he said.

Now the rest of the world knows it, too.

''Don't nobody play D like this, never, ever, not for the long periods of time that we keep our defensive pressure consistent at that high of a level,'' Ham explained. ''It is nothing like anything that's come along in the NBA.''

''Larry Brown preached defense, rebound, share the ball, defense, rebound, share the ball, defense, rebound, share the ball, and it rings true. That's why he won a championship in college and in the NBA.

''It's not rocket science, it's a simple formula, but I wish I could bottle it up and create a championship wine cellar so I can pop it open whenever I want.''

Adding to Ham's championship experience was sharing it with his family, his mother, and the more than 250 extended family members who somehow found a way into the Palace for Game 5.

''God allowed me to give birth to a World Championship basketball player,'' Wilmer Jones Ham said. ''Isn't that something?''

Wilmer Jones Ham, the mayor of Saginaw who Darvin says ''has a bigger name than I do,'' attended her first basketball game in its entirety since a fainting spell during a City Council meeting last month.

The mayor went to Game 4 of the NBA Finals on Sunday, but could only stay until halftime ''by doctor's orders.''

But Tuesday was different. Tuesday was close-out day for the Pistons and there was no way Ham was going to miss what turned into the title-clinching victory.

''Guess what? I stayed the whole time and I'm wringing with sweat,'' Wilmer Jones Ham said. ''My heart has been beating, it's never stopped fluttering.''

''I would sit down and put a cold rag to my head, saying to myself 'exhale, inhale, exhale, inhale.' ''

The mayor sat in the first row along the baseline by a basket and near enough to the Pistons' bench that they kept asking ''You alright Mama Ham? You alright?''

''She got to see the important (game),'' Darvin Ham said. ''It's been incredible.''

The family atmosphere also permeates the team, said Darvin Ham, who said that in all of his NBA stops he's never experienced anything like the camaraderie he's had with this team.

''Joe Dumars created an environment where it's easy to come to work, and you look forward to seeing your teammates,'' Darvin Ham said.

And right on cue, the Palace turned into a hug-fest after the victory.

''Everybody is holding onto Darvin, hugging him,'' Wilmer Jones Ham said.

''This just shows you that hard work pays off,'' she explained. ''They can be an example for all young people—you don't give up, you don't throw in the towel.''

Darvin Ham is practically the poster child of not throwing in the towel.

A reserve player on his Saginaw High School basketball team, Ham worked through junior college to latch onto a scholarship at Texas Tech.

Then he turned his reputation as a defender and ''banger'' into a profession, first playing in one of basketball's minor leagues before signing an NBA free agent contract with the Denver Nuggets.

He played for five more teams before finally landing in Detroit in September of last year.

Darvin Ham came to the Pistons as a defensive specialist and used his work ethic

and infectious personality to catch the attention of coach Larry Brown, who also gave Mama Ham a hug after the final horn.

Ham earned extended playing time in early-season games, and two starting assignments, based on his work ethic and defense in practice, an attitude Brown was trying to instill in the rest of his team.

''I earned my minutes and recognition through the practice floor,'' he said.

''Darv is such a good-hearted person and they told me he is the joy of the team,'' Mama Ham said. ''He's the mover and the shaker, 'Hey, we can do it. We can work through it.' ''

In 370 career NBA games, Ham's averaged 3.0 points and 2.5 rebounds in 13.3 minutes per game, and he's had to bang a lot of bodies in practice to earn those minutes. In Detroit this season, he averaged 1.8 points and 1.7 rebounds in 54 games.

''It's just being focused and competing,'' Darvin Ham said. ''Everybody matters. We all pushed . . . Darko (Milicic) pushed our big guys every day in practice. That's stuff not written about in the papers and people don't get to see it. The thing I love the most is they recognize that around here.''

The fans will recognize that over the next few days when Ham and his teammates have a slate of parties, parades and rallies planned beginning Thursday morning.

''I'm not sleeping until Labor Day,'' Darvin Ham said.

Greg Mancina is a sports writer for The Saginaw News. You may contact him at 776–9670.

Ms. KILPATRICK. Mr. Speaker, congratulations to the Detroit Pistons and their Coach, Larry Brown, for winning the 2004 National Basketball Association Championship, defeating the Los Angeles Lakers, four games to one.

Congratulations for Most Valuable Player Chauncey Billups, Richard ''Rip'' Hamilton who was the high scorer for the Pistons in game five with 21 points, leading rebounder Ben ''Fear the Fro'' Wallace with 22 rebounds, Tayshaun Prince with his great defense against Kobe Bryant, and Rasheed Wallace who helped neutralize Shaquille O'Neal and scored 11 points.

The Detroit team displayed unstoppable teamwork, determination and perseverance to bring this championship to Detroit. I credit former Detroit ''Bad Boy'' and President of the Detroit Pistons' organization, Joe Dumars for assembling this team. He traded Grant Hill for Ben Wallace and acquired Rasheed Wallace in a trade in February. Dumars was on the Detroit Pistons' Championship teams in 1989 and 1990.

The Las Vegas betting lines had the Pistons the 6–1 underdogs going into the finals against the Lakers. I suppose a lot of people lost a lot of money after this team pulled off the biggest upset in NBA finals history.

This is a great year for Pistons' owner Bill Davidson whose Detroit Shock won the WNBA Championship last season, Tampa Bay Lightning won the Stanley Cup this season and now the Detroit Pistons winning the NBA Championship.

This team believed in themselves and the Detroit fans knew they could win it all. Go Pistons—National Basketball Association World Champions 2004.

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Detroit Pistons on winning the 2004 National Basketball Association Championship. After only five games, the Detroit Pistons won their third NBA title June 15, with a 100–87 victory over the heavily favored Los Angeles Lakers. The Pistons showed great strength under pressure and proved that desire, perseverance and teamwork could triumph over talent, experience and individual play. I applaud their hard work and their championship.

I would like to offer my personal congratulations to Chauncey Billups, Ben Wallace, Mike James, Darvin Ham, Lindsey Hunter, Mehmet Okur, Taysharun Prince, Rasheed Wallace, Darko Milicic, Richard Hamilton, Corliss Williamson and Elden Campbell.

Furthermore, I also want to congratulate Pistons owner William Davidson, team executives Tom Wilson and Joe Dumars and Coach Larry Brown. Their vision has once again returned the Larry O' Brien Trophy home to Detroit where it rightfully belongs.

The Detroit Pistons has made Metro Detroit and the State of Michigan proud. Their teamwork has taught Michiganders that you do not need stars to win a championship, you need unity. Once again, I congratulate the Detroit Pistons and their leaders on winning the 2004 NBA Championship.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 679 congratulating the Detroit Pistons on winning the 2004 National Basketball Association championship on June 15, 2004. We must always recognize honor where honor is due. The Pistons' win against the Lakers in the 5th game of the series this year is admirable and therefore, must be honored.

This commemoration will go a long way. In celebrating this win, we congratulate the players. They are more than just athletes, but they are also role models, fathers, brothers, sons, and husbands. Under the leadership of Coach Larry Brown these players came together to form the most outstanding team of 2004.

Indeed, the Pistons are outstanding off the court as well. We must acknowledge the Pistons' work in the Detroit community. From establishing 4 reading and learning centers, holding an essay contest, and running book drives and clothing drives for needy children in the winter, the team shows that it is committed to giving back to the community that gives so much to them.

And certainly the citizens of Detroit must be commended for their support of the Pistons. At Pistons' games, the love of team abounds. Families, friends, and fans pack bleachers at every game and show the Pistons what love is all about. This year the Pistons and the citizens of Detroit are reaping the rewards of hard work. In Texas, we recognize when hard work pays off. Today, we ask that Washington do the same.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 679.

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

A motion to reconsider was laid on the table.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 884) to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes, as amended.

The Clerk read as follows:

H.R. 884

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 ''Western Shoshone Claims Distribution Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term ''Committee'' means the administrative committee established under section 4(c)(1).

(2) WESTERN SHOSHONE JOINT JUDGMENT FUNDS.—The term ''Western Shoshone joint judgment funds'' means—

(A) the funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–3 before the United States Court of Claims; and

(B) all interest earned on those funds.

(3) WESTERN SHOSHONE JUDGMENT FUNDS.—The term ''Western Shoshone judgment funds'' means—

(A) the funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission; and

(B) all interest earned on those funds.

(4) JUDGMENT ROLL.—The term ''judgment roll'' means the Western Shoshone judgment roll established by the Secretary under section 3(b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TRUST FUND.—The term ''Trust Fund'' means the Western Shoshone Educational Trust Fund established under section 4(b)(1).

(7) WESTERN SHOSHONE MEMBER.—The term ''Western Shoshone member'' means an individual who—

(A)(i) appears on the judgment roll; or

(ii) is the lineal descendant of an individual appearing on the roll; and

(B)(i) satisfies all eligibility criteria established by the Committee under section 4(c)(4)(D)(iii);

(ii) meets any application requirements established by the Committee; and

(iii) agrees to use funds distributed in accordance with section 4(b)(2)(B) for educational purposes approved by the Committee.

SEC. 3. DISTRIBUTION OF WESTERN SHOSHONE JUDGMENT FUNDS.

(a) IN GENERAL.—The Western Shoshone judgment funds shall be distributed in accordance with this section.

(b) JUDGMENT ROLL.—

(1) IN GENERAL.—The Secretary shall establish a Western Shoshone judgment roll consisting of all individuals who—

(A) have at least ¼ degree of Western Shoshone blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) INELIGIBLE INDIVIDUALS.—Any individual that is certified by the Secretary to be eligible to receive a per capita payment from any other judgment fund based on an aboriginal land claim awarded by the Indian Claims Commission, the United States

Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be listed on the judgment roll.

(3) REGULATIONS REGARDING JUDGMENT ROLL.—The Secretary shall—

(A) publish in the Federal Register all regulations governing the establishment of the judgment roll; and

(B) use any documents acceptable to the Secretary in establishing proof of eligibility of an individual to—

(i) be listed on the judgment roll; and

(ii) receive a per capita payment under this Act.

(4) FINALITY OF DETERMINATION.—The determination of the Secretary on an application of an individual to be listed on the judgment roll shall be final.

(c) DISTRIBUTION.—

(1) IN GENERAL.—On establishment of the judgment roll, the Secretary shall make a per capita distribution of 100 percent of the Western Shoshone judgment funds, in shares as equal as practicable, to each person listed on the judgment roll.

(2) REQUIREMENTS FOR DISTRIBUTION PAYMENTS.—

(A) LIVING COMPETENT INDIVIDUALS.—The per capita share of a living, competent individual who is 19 years or older on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid directly to the individual.

(B) LIVING, LEGALLY INCOMPETENT INDIVIDUALS.—The per capita share of a living, legally incompetent individual shall be administered in accordance with regulations promulgated and procedures established by the Secretary under section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)).

(C) DECEASED INDIVIDUALS.—The per capita share of an individual who is deceased as of the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be paid to the heirs and legatees of the individual in accordance with regulations promulgated by the Secretary.

(D) INDIVIDUALS UNDER THE AGE OF 19.—The per capita share of an individual who is not yet 19 years of age on the date of distribution of the Western Shoshone judgment funds under paragraph (1) shall be—

(i) held by the Secretary in a supervised individual Indian money account; and

(ii) distributed to the individual—

(I) after the individual has reached the age of 18 years; and

(II) in 4 equal payments (including interest earned on the per capita share), to be made—

(aa) with respect to the first payment, on the eighteenth birthday of the individual (or, if the individual is already 18 years of age, as soon as practicable after the date of establishment of the Indian money account of the individual); and

(bb) with respect to the 3 remaining payments, not later than 90 days after each of the 3 subsequent birthdays of the individual.

(3) APPLICABLE LAW.—Notwithstanding section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407), a per capita share (or the availability of that share) paid under this section shall not—

(A) be subject to Federal or State income taxation;

(B) be considered to be income or resources for any purpose; or

(C) be used as a basis for denying or reducing financial assistance or any other benefit to which a household or Western Shoshone member would otherwise be entitled to receive under—

(i) the Social Security Act (42 U.S.C. 301 et seq.); or

(ii) any other Federal or federally-assisted program.

(4) UNPAID FUNDS.—The Secretary shall add to the Western Shoshone joint judgment funds held in the Trust Fund under section 4(b)(1)—

(A) all per capita shares (including interest earned on those shares) of living competent adults listed on the judgment roll that remain unpaid as of the date that is—

(i) 6 years after the date of distribution of the Western Shoshone judgment funds under paragraph (1); or

(ii) in the case of an individual described in paragraph (2)(D), 6 years after the date on which the individual reaches 18 years of age; and

(B) any other residual principal and interest funds remaining after the distribution under paragraph (1) is complete.

SEC. 4. DISTRIBUTION OF WESTERN SHOSHONE JOINT JUDGMENT FUNDS.

(a) IN GENERAL.—The Western Shoshone joint judgment funds shall be distributed in accordance with this section.

(b) WESTERN SHOSHONE EDUCATIONAL TRUST FUND.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States, for the benefit of Western Shoshone members, a trust fund to be known as the ''Western Shoshone Educational Trust Fund'', consisting of—

(A) the Western Shoshone joint judgment funds; and

(B) the funds added under section 3(b)(4).

(2) AMOUNTS IN TRUST FUND.—With respect to amounts in the Trust fund—

(A) the principal amount—

(i) shall not be expended or disbursed; and

(ii) shall be invested in accordance with section 1 of the Act of June 24, 1938 (25 U.S.C. 162a); and

(B) all interest income earned on the principal amount after the date of establishment of the Trust fund—

(i) shall be distributed by the Committee—

(I) to Western Shoshone members in accordance with this Act, to be used as educational grants or for other forms of educational assistance determined appropriate by the Committee; and

(II) to pay the reasonable and necessary expenses of the Committee (as defined in the written rules and procedures of the Committee); but

(ii) shall not be distributed under this paragraph on a per capita basis.

(c) ADMINISTRATIVE COMMITTEE.—

(1) ESTABLISHMENT.—There is established an administrative committee to oversee the distribution of educational grants and assistance under subsection (b)(2).

(2) MEMBERSHIP.—The Committee shall be composed of 7 members, of which—

(A) 1 member shall represent the Western Shoshone Te-Moak Tribe and be appointed by that Tribe;

(B) 1 member shall represent the Duckwater Shoshone Tribe and be appointed by that Tribe;

(C) 1 member shall represent the Yomba Shoshone Tribe and be appointed by that Tribe;

(D) 1 member shall represent the Ely Shoshone Tribe and be appointed by that Tribe;

(E) 1 member shall represent the Western Shoshone Committee of the Duck Valley Reservation and be appointed by that Committee;

(F) 1 member shall represent the Fallon Band of Western Shoshone and be appointed by that Band; and

(G) 1 member shall represent the general public and be appointed by the Secretary.

(3) TERM.—

(A) IN GENERAL.—Each member of the Committee shall serve a term of 4 years.

(B) VACANCIES.—If a vacancy remains unfilled in the membership of the Committee for a period of more than 60 days—

(i) the Committee shall appoint a temporary replacement from among qualified members of the organization for which the replacement is being made; and

(ii) that member shall serve until such time as the organization (or, in the case of a member described in paragraph (2)(G), the Secretary) designates a permanent replacement.

(4) DUTIES.—The Committee shall—

(A) distribute interest funds from the Trust Fund under subsection (b)(2)(B)(i);

(B) for each fiscal year, compile a list of names of all individuals approved to receive those funds;

(C) ensure that those funds are used in a manner consistent with this Act;

(D) develop written rules and procedures, subject to the approval of the Secretary, that cover such matters as—

(i) operating procedures;

(ii) rules of conduct;

(iii) eligibility criteria for receipt of funds under subsection (b)(2)(B)(i);

(iv) application selection procedures;

(v) procedures for appeals to decisions of the Committee;

(vi) fund disbursement procedures; and

(vii) fund recoupment procedures;

(E) carry out financial management in accordance with paragraph (6); and

(F) in accordance with subsection (b)(2)(C)(ii), use a portion of the interest funds from the Trust Fund to pay the reasonable and necessary expenses of the Committee (including per diem rates for attendance at meetings that are equal to those paid to Federal employees in the same geographic location), except that not more than $100,000 of those funds may be used to develop written rules and procedures described in subparagraph (D).

(5) JURISDICTION OF TRIBAL COURTS.—At the discretion of the Committee and with the approval of the appropriate tribal government, a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations (or a successor regulation), shall have jurisdiction to hear an appeal of a decision of the Committee.

(6) FINANCIAL MANAGEMENT.—

(A) FINANCIAL STATEMENT.—The Committee shall employ an independent certified public accountant to prepare a financial statement for each fiscal year that discloses—

(i) the operating expenses of the Committee for the fiscal year; and

(ii) the total amount of funds disbursed under subsection (b)(2)(B)(i) for the fiscal year.

(B) DISTRIBUTION OF INFORMATION.—For each fiscal year, the Committee shall provide to the Secretary, to each organization represented on the Committee, and, on the request of a Western Shoshone member, to the Western Shoshone member, a copy of—

(i) the financial statement prepared under subparagraph (A); and

(ii) the list of names compiled under paragraph (4)(B).

(d) CONSULTATION.—The Secretary shall consult with the Committee on the management and investment of the funds distributed under this section.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Today I rise in support of H.R. 884, the Western Shoshone Claims Distribution Act.

Mr. Speaker, in the 1970s the Indian Claims Commission awarded the Western Shoshone Tribe over $26 million in compensation for lands and resources throughout much of the western States, including my home State of Nevada. Funds were appropriated by Congress in 1979. And since that time the money has been left untouched.

For nearly 3 decades, the men and women of the Shoshone Tribe have waited for access to these funds. H.R. 884 is a much-needed piece of legislation that accomplishes a simple yet vital task.

This bill requires the Secretary of Interior to establish a judgment roll consisting of all Western Shoshones, who have at least one quarter degree of Western Shoshone blood, are citizens of the United States, and are living at the date of enactment of this legislation. The Secretary would then distribute and use the funds in two ways.

First, the Secretary would distribute over $145 million from Docket 326–K to each person on the judgment roll through a per-capita share.

Secondly, nearly $1.5 million awarded under Docket Numbers 326–A–1 and 326–A–3 would be used to establish the ''Western Shoshone Educational Trust Fund'' and an administrative committee to oversee the distribution of accumulated and future interest and income for educational grants.

Simply stated, Mr. Speaker, this bill allows the rightful funds of the Shoshones to be properly distributed. My constituents, the Western Shoshone people, have expressed to me an overwhelming majority, their desire to see these funds distributed. In fact, the Western Shoshone have voted not once, but twice, on this issue. In both instances, over 90 percent of the voters favored the distribution reflected in this legislation.

The vast majority of the Western Shoshone people have formed a cohesive group which operates under a democratic process to express the will of the tribal members. These numbers account for approximately 65 percent of the eligible Shoshone voters.

□ 1530

It is overwhelmingly obvious that the tribe wants these funds distributed. It is important to note that H.R. 884 specifically ensures that the funds distribution is not a waiver of existing treaty rights, nor will it prevent the tribe, band or individual Shoshone Indians from pursuing other rights guaranteed by law.

I want to thank Senator HARRY REID and Senator JOHN ENSIGN of Nevada for introducing this bill in the Senate, and I applaud the Members of the Senate who voted unanimously to pass this measure in October of last year.

I urge my colleagues to support the Western Shoshone people in their endeavor to put this issue to rest once and for all by voting in favor of H.R. 884.

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

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

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

Mr. RAHALL. Mr. Speaker, when this legislation was considered by the Committee on Resources, the majority of Democratic Members opposed it after an amendment I sought to offer was not made in order. That amendment would have made two important changes to the bill. First, it would have provided that amounts distributed to the Western Shoshone would not be treated as income and subjected to Federal or State taxes.

Second, it would have directed the Interior Secretary to devise a list in consultation with the Western Shoshone of lands that may be suitable to be held in trust for the tribes.

Today we are considering a modified version of that legislation, which contains the language of the Senate-passed version, S. 618, and I am pleased to note it contains a provision I sought to exempt, the claims distribution from Federal and State income taxes. That is a very important change.

It must be stated that while this legislation would distribute over $130 million to the Western Shoshone, there is not consensus among the tribes on this issue.

While we do not have an exact count, there is a segment of the Western Shoshone who are opposed to this legislation. They believe that if the claims award is distributed, they would then be precluded from expanding the land base of the various Western Shoshone Indian tribes.

The ancestral lands of the Western Shoshone are rich with natural resources and minerals. Some have put mining receipts on these lands in the tens of billions of dollars since 1960s. Yet, there are no Western Shoshone billionaires and, to date, no moves to give back some of these rich lands to the tribes.

In that regard, I would report that the Senate sponsor of the pending legislation has personally advised me that he would pursue legislation to deal with the land issue. Based on that commitment, I find that I am able to vote for the pending measure.

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

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

Mr. GIBBONS. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from West Virginia (Mr. RAHALL) for the courtesies and professionalism he has shown with regard to the consideration of the bill now presently before us, ask all Members to vote in the affirmative on this bill.

Mr. Speaker, I have no further requests for time, and 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. GIBBONS) that the House suspend the rules and pass the bill, H.R. 884, 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.

TRIBAL FOREST PROTECTION ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian Tribes meeting certain criteria to carry out projects to protect Indian forest land, as amended.

The Clerk read as follows:

H.R. 3846

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 ''Tribal Forest Protection Act of 2004''.

SEC. 2. TRIBAL FOREST ASSETS PROTECTION.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN FOREST LAND OR RANGELAND.—The term ''Indian forest land or rangeland'' means land that—

(A) is held in trust by, or with a restriction against alienation by, the United States for an Indian tribe or a member of an Indian tribe; and

(B)(i)(I) is Indian forest land (as defined in section 304 of the National Indian Forest Resources Management Act (25 U.S.C. 3103)); or

(II) has a cover of grasses, brush, or any similar vegetation; or

(ii) formerly had a forest cover or vegetative cover that is capable of restoration.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(b) AUTHORITY TO PROTECT INDIAN FOREST LAND OR RANGELAND.—

(1) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits to the Secretary a request to enter into an agreement or contract to carry out a project to protect Indian forest land or rangeland (including a project to restore Federal land that borders on or is adjacent to Indian forest land or rangeland) that meets the criteria described in subsection (c), the Secretary may issue public notice of initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Indian tribe pursuant to section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)), or such other authority as appropriate, under which the Indian tribe would carry out activities described in paragraph (3).

(2) ENVIRONMENTAL ANALYSIS.—Following completion of any necessary environmental analysis, the Secretary may enter into an agreement or contract with the Indian tribe as described in paragraph (1).

(3) ACTIVITIES.—Under an agreement or contract entered into under paragraph (2), the Indian tribe may carry out activities to achieve land management goals for Federal land that is—

(A) under the jurisdiction of the Secretary; and

(B) bordering or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe.

(c) SELECTION CRITERIA.—The criteria referred to in subsection (b), with respect to an Indian tribe, are whether—

(1) the Indian forest land or rangeland under the jurisdiction of the Indian tribe borders on or is adjacent to land under the jurisdiction of the Forest Service or the Bureau of Land Management;

(2) Forest Service or Bureau of Land Management land bordering on or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe—

(A) poses a fire, disease, or other threat to—

(i) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; or

(ii) a tribal community; or

(B) is in need of land restoration activities;

(3) the agreement or contracting activities applied for by the Indian tribe are not already covered by a stewardship contract or other instrument that would present a conflict on the subject land; and

(4) the Forest Service or Bureau of Land Management land described in the application of the Indian tribe presents or involves a feature or circumstance unique to that Indian tribe (including treaty rights or biological, archaeological, historical, or cultural circumstances).

(d) NOTICE OF DENIAL.—If the Secretary denies a tribal request under subsection (b)(1), the Secretary may issue a notice of denial to the Indian tribe, which—

(1) identifies the specific factors that caused, and explains the reasons that support, the denial;

(2) identifies potential courses of action for overcoming specific issues that led to the denial; and

(3) proposes a schedule of consultation with the Indian tribe for the purpose of developing a strategy for protecting the Indian forest land or rangeland of the Indian tribe and interests of the Indian tribe in Federal land.

(e) PROPOSAL EVALUATION AND DETERMINATION FACTORS.—In entering into an agreement or contract in response to a request of an Indian tribe under subsection (b)(1), the Secretary may—

(1) use a best-value basis; and

(2) give specific consideration to tribally-related factors in the proposal of the Indian tribe, including—

(A) the status of the Indian tribe as an Indian tribe;

(B) the trust status of the Indian forest land or rangeland of the Indian tribe;

(C) the cultural, traditional, and historical affiliation of the Indian tribe with the land subject to the proposal;

(D) the treaty rights or other reserved rights of the Indian tribe relating to the land subject to the proposal;

(E) the indigenous knowledge and skills of members of the Indian tribe;

(F) the features of the landscape of the land subject to the proposal, including watersheds and vegetation types;

(G) the working relationships between the Indian tribe and Federal agencies in coordinating activities affecting the land subject to the proposal; and

(H) the access by members of the Indian tribe to the land subject to the proposal.

(f) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this Act—

(1) prohibits, restricts, or otherwise adversely affects the participation of any Indian tribe in stewardship agreements or contracting under the authority of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)) or other authority invoked pursuant to this Act; or

(2) invalidates any agreement or contract under that authority.

(g) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the Indian tribal requests received and agreements or contracts that have been entered into under this Act.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GIBBONS. 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. 3846, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 3846 would authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

Last summer, reservations were invaded by catastrophic fires from adjacent Federal lands. In southern California, 11 reservations were burned, 2 completely, and a number of lives were tragically lost. After witnessing firsthand the horrible aftermath of these fires, the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), promised to develop and move legislation that would help tribes protect their Land.

To follow through with that pledge, and in the spirit of bipartisan Healthy Forest Restoration Act, Senator FEINSTEIN and the gentleman from California (Chairman POMBO) adopted and introduced the Tribal Forestry Protection Act. This legislation will provide a process whereby tribes can engage in projects on adjacent Forest Service and BLM lands to treat excessive fuels and engage in other restoration activities.

By passing this legislation, Congress will be sending a strong and clear message to the agencies that tribes need to be an integral part of the thoughtful management of our Federal lands, for the betterment and safety of all.

Mr. Speaker, I urge the adoption of this bill.

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

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

Mr. Speaker, the pending measure has been adequately explained by the gentleman from Nevada. We have no objections to it on our side. In fact, I join in commending the gentleman from California (Chairman POMBO) of the Committee on Resources for his initiative in this matter. We support the legislation.

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

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

I thank my friend the gentleman from West Virginia, Mr. RAHALL, for his support on this legislation and urge all Members to support this measure.

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. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3846, 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.

AMENDING THE BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1848) to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative Site in the State of Oregon.

The Clerk read as follows:

S. 1848

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:

''(g) BEND PINE NURSERY CONVEYANCE.—

''(1) CONVEYANCE TO PARK AND RECREATION DISTRICT.—Upon receipt of consideration in the amount of $3,503,676 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'. Subject to paragraph (2), the real property conveyed to the Bend Metro Park and Recreation District shall be used only for public 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 a use other than public recreation, 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.

''(2) RECONVEYANCE OF PORTION TO SCHOOL DISTRICT.—As soon as practicable after the receipt by the Bend Metro Park and Recreation District of the real property described in paragraph (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 paragraph (1) and consisting of approximately 15 acres. The deed of conveyance shall contain a covenant requiring that the real property conveyed to the School District be used only for public education 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 Nevada (Mr. GIBBONS) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1848.

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

There was no objection.

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

Mr. Speaker, S. 1848, introduced by Senator RON WYDEN of Oregon, 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-LaPine 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.

Just last month, the House passed the companion to this bill, H.R. 3505, introduced by the gentleman from Oregon (Mr. WALDEN). Unfortunately, the House bill has been held back at the desk of the other body for unrelated political collateral. Recognizing the importance and merits of this legislation, regardless of the bill number, the gentleman from Oregon (Mr. WALDEN) has strongly pushed the movement of the Senate bill. This will end petty partisanship and will instead pass fair-minded legislation benefiting the State of Oregon.

I urge adoption of this bill.

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

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

Mr. Speaker, the gentleman from Nevada has adequately explained the pending legislation. We have no objection to it on our side. In fact, I commend our colleague on this side of the aisle, the gentleman from Oregon (Mr. DEFAZIO) for his diligence in pursuing consideration of this bill by the House. The gentleman is a valued member of both the Committee on Resources and the other committee upon which I sit, the Committee on Transportation and Infrastructure.

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

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

Mr. Speaker, I also would like to thank my colleague and friend, the gentleman from West Virginia (Mr. RAHALL) for his professionalism on this bill. I would urge an aye vote.

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. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1848.

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

A motion to reconsider was laid on the table.

JOHN MUIR NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3706) to adjust the boundary of the John Muir National Historic Site, and for other purposes.

The Clerk read as follows:

H.R. 3706

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 ''John Muir National Historic Site Boundary Adjustment Act''.

SEC. 2. BOUNDARY ADJUSTMENT.

(a) BOUNDARY.—The boundary of the John Muir National Historic Site is adjusted to include the lands generally depicted on the map entitled ''Boundary Map, John Muir National Historic Site'' numbered PWR–OL 426–80,044a and dated August 2001.

(b) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire the lands and interests in lands identified as the ''Boundary Adjustment Area'' on the map referred to in subsection (a) by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(c) ADMINISTRATION.—The lands and interests in lands described in subsection (b) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GIBBONS. 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. 3706.

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

There was no objection.

□ 1545

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

Mr. Speaker, H.R. 3706, introduced by our committee colleague, the gentleman from California (Mr. GEORGE MILLER), would authorize the Secretary of the Interior to adjust the boundaries of the John Muir National Historic Site.

A 1994 National Park Service boundary survey discovered that approximately 9,500 square feet of land donated to the historic site by the city of Martinez, California, was actually not part of the donation, and, in fact, had no clear title holder. Because of this dilemma, the Park Service has been unable to proceed with an important expansion of the parking area.

H.R. 3706 would simply allow for the acquisition of the two-tenths-of-an-acre parcel of land so that the parking facility may be built.

Mr. Speaker, H.R. 3706 is supported by both the majority and minority of the committee and by this administration. I urge adoption of this bill.

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

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

Mr. Speaker, the gentleman from Nevada (Mr. GIBBONS) has adequately explained H.R. 3706, which was introduced by our good friend and colleague, the gentleman from California (Mr. GEORGE MILLER). I would just note that the boundary adjustment is about as small as anyone can recall, covering about 9,500 square feet, or just two-tenths of an acre. However, this adjustment is necessary to clear up a land title problem and allow the construction of a needed visitor center and facilities for the historic site.

The National Park Service supports this legislation, and there is absolutely no controversy with it. I commend our colleague, the gentleman from California (Mr. GEORGE MILLER) for his work on the bill. I urge passage of H.R. 3706.

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

Mr. GIBBONS. Mr. Speaker, I congratulate my colleague and friend, the gentleman from West Virginia (Mr. RAHALL), for his courtesies on this bill. We have no further requests for time to speak in favor of this legislation.

Mr. Speaker, I urge my colleagues to vote ''aye'' on this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the House for considering the John Muir National Historic Site Boundary Adjustment Act today. My district is home to the residence of John Muir, his orchards, and Mt. Wanda, named for his daughter. Without John Muir's efforts, Yosemite National Park would not exist, and as first president of the Sierra Club, he helped sharpen Californians' appreciation for the Sierra Mountains, which he called "The Range of Light."

In addition to its historical significance, the former Muir estate provides valuable open space in the rapidly growing Bay Area. In 1988, we enacted legislation to expand the John Muir Historic Site. Following a survey conducted as part of the development of the General Management Plan, the Park Service discovered that a .2 acre triangle adjacent to the newly acquired parcel did not belong to the City of Martinez. In fact, it did not belong to anyone.

In order to meet the growing needs of site users, the Park Service would greatly benefit from a boundary adjustment to finally put to rest the question of property title to this small triangle of land. This bill will allow the Park Service to either acquire the land if an heir or former owner is identified, or condemn the property if an heir is not found. Once the title to the land is clear, the Park Service would be free to begin construction on a 32 vehicle parking area that would utilize the .2 acre parcel. This will allow greater access for schools, seniors groups, and everyone else interested in wilderness conservation, and the history of modern environmentalism.

This boundary adjustment is supported by Contra Costa County and the City of Martinez. Enactment of this legislation allows the Park Service to enhance public understanding of John Muir's contributions, while also facilitating access to an important recreation area in my district. I thank my colleagues for their support of this legislation.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3706.

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.

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 3 o'clock and 48 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BLACKBURN) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Res. 591, by the yeas and nays;

H.R. 4363, by the yeas and nays;

H. Res. 660, by the yeas and nays.

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.

COMMUNITY BANKING MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 591.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the resolution, H. Res. 591, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 364, nays 0, not voting 69, as follows:

[Roll No. 276]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
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)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo

Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Capps
Carson (IN)
Carson (OK)
Chabot
Collins
Cummings
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Kennedy (RI)
Lipinski
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Schakowsky
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Weller
Wexler
Wilson (SC)

□ 1854

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 276 my flight was delayed. Had I been present, I would have voted "yea."

HELPING HANDS FOR HOMEOWNERSHIP ACT OF 2004

The SPEAKER pro tempore (Mrs. BLACKBURN). The pending business is the question of suspending the rules and passing the bill, H.R. 4363, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 4363, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 65, as follows:

[Roll No. 277]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
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
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—65

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Carson (IN)
Carson (OK)
Chabot
Collins
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Kennedy (RI)
Lipinski
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Wexler
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1902

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, during rollcall vote Nos. 276 and 277 on 6/21/04 I was unavoidably detained. Had I been present, I would have voted "yea."

CONGRATULATING RANDY JOHNSON OF THE ARIZONA DIAMONDBACKS ON PITCHING A PERFECT GAME

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 660.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 660, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 0, not voting 66, as follows:

[Roll No. 278]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis

Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
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
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—66

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Carson (IN)
Carson (OK)
Carter
Chabot
Collins
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Ford
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Wexler
Wilson (SC)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1919

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TURNER of Ohio. Mr. Speaker, today the House of Representatives took recorded votes on H. Res. 591, H.R. 4363, and H. Res. 660. Had I been present, I would have voted "yes" on each of these items.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 276, Expressing the gratitude of the House of Representatives for the contributions made by America's community banks and the sense of the House of Representatives that a month should be designated as "Community Banking Month" (H. Res. 591); rollcall vote 277, Helping Hands for Homeownership Act (H.R. 4363); rollcall vote 278, Congratulating Randy Johnson on his perfect game (H. Res. 660).

Had I been present, I would have voted "yea" for rollcall votes 276, 277 and 278.

CELEBRATING JUNETEENTH

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

Ms. JACKSON-LEE of Texas. Madam Speaker, 2 days ago, many in the United States celebrated Juneteenth. June 19, 2004, was the celebration of what occurred in 1865 in places like Texas and Louisiana when the announcement finally came that the slaves had been emancipated.

I rise today to congratulate the wonderful celebrations that occurred in Texas, and particularly in Houston, Texas. I congratulate Reverend C. Anderson Davis and Mrs. Davis who have, for many years, founded the Emancipation Association and celebrated and educated young people about what freedom truly means. The parades; the celebration at Herman Park; the gospel celebration; the hip-hop celebration; the Acres Home celebration, a longstanding historic African American community celebrated Juneteenth, sponsored by the Acres Home Citizens Council.

Then, of course, our final celebration, in the evening at Jones Hall honoring Representative Al Edwards, the author of the legislation in 1979 that made the Emancipation Proclamation, Juneteenth Day, a State holiday, 25 years of commemoration.

I believe, Madam Speaker, that it is always important to celebrate freedom. That is the very underpinning of what this Nation stands for: democracy and freedom. June-teenth is just a very defined freedom, the day that many found out that they were free Americans to be part of the American dream.

ECONOMY NEEDS NEW DIRECTION

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

Mr. BROWN of Ohio. Madam Speaker, President Bush again was in Ohio today in Cincinnati to again try to justify his economic program and his last 3 years of managing this economy. One out of six manufacturing jobs in Ohio has been lost since George Bush took office. We have lost 190 jobs every single day of the Bush administration.

He has two answers. His first answer is more tax cuts for the most privileged, for the largest corporations, for the wealthiest 5 percent of people in this country, hoping that those tax cuts will trickle down and create jobs. That has failed.

His second answer is more trade agreements like the North American Free Trade Agreement. He wants to extend NAFTA to Central America into South America. Those trade agreements have hemorrhaged jobs; they have shipped jobs overseas. Instead, we need to extend unemployment benefits, reject the Bush plan, and go in a different direction. We need to extend unemployment benefits, pass legislation to reward and incentivize those companies that manufacture in this country, rather than big tax breaks to those companies that outsource jobs and ship jobs overseas.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BLACKBURN). 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.

REINSTATE 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. Madam Speaker, assault weapons go back on to our streets in 84 days. These weapons of war mow down our police officers and destroy families every day.

Just last week, an SKS assault rifle, and this is what it looks like, mowed down three police officers in Alabama and killed them. The SKS can fire up to 35 rounds per minute and pierce police body armor. Montgomery Police Chief John Wilson confirmed that the vests that the officers wore offered almost no protection against this high-powered assault rifle.

Fifty-eight-year-old Carlos Owen, with 26 years on the force and nearing retirement, never had a chance. He and two of his fellow officers died in a hail of bullets.

But that has not stopped the National Rifle Association from engaging in their old dirty tricks. The NRA Web site says data from police experts must be deliberately avoided by those pushing assault weapons bills. Actually, the data is pretty clear on assault weapons. In one of every five police-officer killings, an assault weapon is the choice.

The NRA is so blind to the truth on assault weapons that they are also engaged in a smear campaign against Jim and Sara Brady. The Brady's ''error''? Telling the truth about President Reagan's former support for the assault weapons ban in a television interview. The NRA called their interview ''shameless'' and ''deliberate misinformation.''

As we continue to remember President Reagan, I would like to set the record straight on his contributions to gun safety. The importation of rapid-fire shot guns was first outlawed under President Reagan.

In 1994, he joined former Presidents Ford and Carter in calling on Congress to pass the assault weapons ban.

During the close vote on the assault weapons ban that year, President Reagan made calls to undecided Members urging for a ''yes'' vote.

The ban passed by two votes, and at least one Member said Reagan's call prompted him to vote ''yes.''

President Reagan knew the importance of keeping military-style weapons off our streets and out of our communities.

The assault weapons ban is a commonsense law that almost all Americans, gun owners included, do support. It is unfortunate that the NRA feels more strongly about firing up its membership than telling the truth.

Let me say this: each day that comes closer to having this assault weapons ban expire is each day we come closer to seeing deaths in our communities and on our streets. I have never tried to do anything to take away someone's right to own a gun, but I do know assault weapons do not belong on our streets. That is a responsibility that all Americans, in my opinion, and gun owners should take upon themselves.

The American people can do something about this. They can contact their Congressman, their Senator, and certainly the White House. President Bush has promised to sign the assault weapons ban if it gets on his desk. We know that this Congress has to have the bill up on the floor so we can have a vote on it before it will ever get to the President's desk.

I am asking the President for his help. I am asking him to start calling on the Members of Congress, as President Reagan did, and let us get this assault weapons ban in place. Let us make sure our police officers are not put into more risk than they already have to be in.

When we talk about possible terror cells in this country, do we actually want gangs, drug dealers, possibly terrorists being able to get assault weapons? This is not what America is. Assault weapons belong in the hands of only our military. They are guns that are used to mow down people as fast as possible. Why do we need these guns? Let us not forget the large-capacity clips. Right now, under the ban, clips are only supposed to hold 10 bullets. If this ban goes back to the way it was, we can have 35, we can have 50, we can have 100, whatever the clip will hold. That is not where we want to be.

I strongly urge the American people to get involved in this.

RELIGIOUS FREEDOM OF SPEECH

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

Mr. JONES of North Carolina. Madam Speaker, I am again on the floor tonight because in this country, the greatest Nation in the world, our ministers, priests, rabbis, and clerics cannot have the freedom of speech to talk about the policies and political issues of the day.

The history on that is simple. Prior to 1954, any minister, priest, rabbi, or cleric who wanted to speak freely about the politics or the moral or the policy issues of the day, they could do so without any threat from the Federal Government. Well, in 1954 Lyndon Baynes Johnson put an amendment on a revenue bill going through the Senate that basically said that if you are a 501(c)(3), you may not have any type of speech that could be interpreted as being somewhat of a political nature or a moral political nature.

I have problems with this, Madam Speaker, simply because the Constitution of the United States of America, the first amendment says that any individual, church, or any individual has the right to speak freely of whatever should come to their mind that they feel like they should mention to their fellow citizen or to a congregation. Again, if this was 1953, Madam Speaker, I would not be on the floor of the House, because there would be no problem. This whole problem came about in 1954. I do not want to go much into that history as I do want to go into the present.

Let me read the first paragraph of a pastoral letter from Bishop Sheridan, Colorado Springs, a Catholic bishop in Colorado. Three weeks ago he wrote a three-page letter. I just want to read one paragraph:

''Dear brothers and sisters in Christ. This coming November, Americans will participate in one of the most important national elections in recent history. The President, Senators, and Congressmen who are placed in office by our votes will serve at a time in which issues that are critical to the very survival of our civilization will be at the top of the political agenda. As we prepare for these elections, I consider it my duty as your bishop to write to you about these matters so that you might go to the polls this fall with a well-informed conscience.''

Madam Speaker, I say that, and I am not going into any more of the letter, it is a three-page letter; but I will tell my colleagues that all this bishop did was to remind the parishioners in his diocese, the teachers of the church, and not only the church, but of Jesus Christ.

□ 1930

And that is all he did. But because he did this, he did not say Democrat or Republican, he did not say liberal or conservative, but he talked about pro-life issues.

Mr. Speaker, because he did that, Barry Lynn of the Americans for the Separation of Church and State, filed a complaint against this Bishop. Where is America going? Where is America going when a minister, a priest, or Rabbi or a cleric can not speak freely, which is a first amendment guarantee by our Constitution.

I am not going to go into the letter by Mr. Lind, but I will tell you that basically what he did is to chastise this Bishop because he spoke about the pro-life issues which are very important to our church. And I happen to be a Roman Catholic. I would say this if this was a minister, I would say this if it was a rabbi, they should have the freedom of speech that was guaranteed until 1954.

In addition to that, I want to also recite from Alex de Tocqueville, who came to America in 1830 and he loved America, this new republic, this freedom that we enjoy, and he talked

about the beauty that God had blessed us with, this natural beauty. But what he was really was encouraged with, and I want to read this, ''But not until I went to the churches of America and I heard her pulpits flamed with righteousness did I understand the secret of her genius and power. America is great because America is good. And if America ever ceases to be good, America will cease to be great.''

Mr. Speaker, there is also another quote that I think goes back to Jeff Jacoby with the Boston Globe that I read back in 1995, my first year in the United States Congress, when he said that religion can survive in the absence of freedom, but freedom without religion becomes dangerous and unstable.

And what I am seeing happening in this country today bothers me greatly. When I think about the young men and women that are dying in Afghanistan and Iraq, they are dying so the Iraqi people can have freedom, and yet in this great Nation known as America, our priests, our preachers, rabbis and clerics cannot have the first amendment rights.

Let me share a quote with you from Floyd Flake. Floyd Flake, Mr. Speaker, was one of the finest Members of this United States House of Representatives. He is a minister in New York City. And I want to read this for you very quickly. It is a letter about the bill I put in to return freedom of speech to our churches and synagogues. He says, ''I praise God for the stand that you have taken to defend the first amendment rights of houses of worship. It is unjust that churches and clergymen and women are unfairly targeted when they exercise their rights as American citizens. I am pleased to offer my whole-hearted support with sincere prayer for passage of this important and liberating legislation.

Mr. Speaker, I will close, but I want to say that I hope that the colleagues of mine in this House will join me in returning the first amendment rights to our churches, our synagogues and our mosques.

I close by asking God to please bless our men and women in uniform and their families and my God continue to bless and help save America.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–559) on the resolution (H. Res. 683) providing for consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE ADMINISTRATION'S FAILURE TO DESTROY A TERRORIST CAMP

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

Mr. DEFAZIO. Mr. Speaker, last week the independent 9/11 Commission said it found ''no credible evidence to substantiate the charge that there was a relationship between Saddam Hussein and Iraq and 9/11. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.'' Yet, 2 days later, Vice President CHENEY said that, in fact, that was not true, that there were long established ties with al Qaeda.

Now, of course, Vice President CHENEY has quite a distinguished record as Vice President. He was the gentleman of 3 years ago said during the energy crisis in the western United States that those of us who thought there was market manipulation were really pretty stupid, and this was just market forces at work and there was no manipulation of the market. And Enron was a wonderful and upstanding company. Of course, now Enron officials, one after another, are going to jail, and hopefully Ken Lay will be criminally indicted this week. But the Vice President waxed eloquent there as he did here.

He also has said that deficits do not matter despite the fact we will borrow $700 billion against our future and obligate Americans for generations to pay that money back. He says that does not matter perhaps because his tax policy that he and the President envision says that only wage earners and salary earners will repay that and the wealthy and those that you normally associate with and corporations will not pay. But, nonetheless, he said again trying to raise the old saw about this relationship perhaps because although he told us that he knew exactly where the weapons of mass destruction were, he failed to point any of the U.S. troops, the inspectors or anybody who has been in Iraq for the last year and a half to that exact spot where he knew those weapons were located.

So it is a continuing attempt at obfuscation. The one thing they point to does have a kernel of truth, and they point to terrorist Abu Musab Zarqawi. He is a really bad guy. He has been behind more than 700 terrorist killings in Iraq it is estimated, a mastermind.

In June 2002, the United States intelligence service located Mr. Zarqawi and they said he had set up a weapons lab in Kirma, in northern Iraq. He was producing ricin and cyanide. The Pentagon drafted plans and asked the Bush administration to take out Mr. Zarqawi. The Bush administration said no.

Then we went 4 months later, and this is all from a report by Jim Miklaszewski, a correspondent for NBC news. Four months later, Intelligence showed that Zarqawi was planning to use the ricin in attacks in Europe. The Pentagon drew up a second strike plan. The White House again killed it. This is a quote from a former national security member, ''People were more obsessed with developing the coalition to overthrow Saddam than to execute the President's policy of preemption against terrorists.''

Then finally the threat turned real in January. Mr. Zarqawi's group, a number of them were arrested in London and they had a ricin lab which was directly connected to the lab in northern Iraq. This was a part of the country Saddam Hussein did not control. The Kurds controlled that area undercover of U.S. air power. So Saddam Hussein did not control this area. And, again, the United States flew over it every day. In fact, we might remember that Colin Powell famously pointed to it when he made his presentation to the National Security Council and said there are terrorists in this camp training in an area where we control the air space and we fly over it every day. But we did not take it out.

And because the Bush administration was more obsessed with building its coalition of the willing, worried that countries some of those the new Europe might fall off from our coalition, those who sent five, ten, or 15 troops to the coalition, if we took out this terrorist camp, they did not do it. And U.S. troops and many others have died because this administration failed to take out that terrorist camp on the three occasions when the Pentagon asked them to do it because they were so obsessed with pursuing a war against Saddam Hussein and his non existent weapons of mass destruction. Now, he was a bad guy in the world and we are well quit of him, hopefully permanently quit of him soon.

But the point is when this administration turned its eyes away from al Qaeda, and turned its eyes away from the terrorists, and refused to take out Zarqawi, they were making a grave error and people have died because of that error.

FAST FACTS ON THE SPENDING ISSUE

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 and Members, I rise tonight to talk about our budget, the Federal budget and enforcing that budget. Now, I came here with Mr. JONES and others with a fairly large class back in 1995 we were elected to Congress. And I will never forget one of the first meetings we were invited to was held by some of the top economics folks here in Washington and folks from the Congressional Budget Office. And they told us at that meeting that if we did not get serious about balancing the budget, we forget now that back throughout most of the 1980s, we were running deficits exceeding $200

billion, in fact, by today's accounting standards it would have probably approached $300 billion, but, nonetheless, we had this meeting and at the meeting they told us that if we in Congress did not get serious about balancing the Federal books, that by the time my children got to be my age, they could be facing a tax rate at the Federal level of over 80 percent just to pay the interest on the national debt.

Well, the good news is we got serious about balancing the Federal budget. We limited the growth in Federal spending. We allowed the Federal budget to grow at a slower rate than the average family budget. And the net result is we went from $275 billion deficits to $250 billion surpluses. And that happened largely because we controlled Federal spending. From 1995 until 2000, total Federal spending only grew at an average rate of about 3.2 percent.

Now, since 2001, I have to say, Federal spending has grown at more than double that rate, at an average rate of 6.4 percent. You can see that from this chart. In fact, this chart and the 6.4 percent growth in Federal spending assumes that we will actually abide by and live with the very tough budget that this House has passed.

Now, unfortunately, the other body has not passed a budget this year and so we will have to negotiate with some of the folks over there and so the 6.4 percent assumes that we will wind up with the House's very tight numbers in which we freeze large chunks of the Federal budget.

Let me give for the benefit of some of the members and others who may be tuning in, some of the other numbers about the budget. Since 2001, according to the House Committee on the Budget, discretionary spending, that is a way of saying things beyond the entitlements, has gone up an average of 9.7 percent per year. So it is not just about 9/11 and it is not just about the war, it is about a lot of other things we have been spending money on.

Mandatory spending has now increased to a point where mandatory spending, and these are the things which we sometimes call entitlements, Medicare, Social Security, welfare-type benefits, there are a lot of benefits inside the Federal Government that if you qualify for them, you automatically receive them. Mandatory spending or entitlement spending today represents 55 percent of the Federal budget. And this does not include the new entitlement that was created this year under Medicare for prescription drugs which, according to one study, will add over $16½ trillion of unfunded liabilities to the Federal budget long term.

Finally, let me say and that I think this is important in recognizing how big the budget has become. For the first time since World War II, total Federal spending has reached more than $20,000 per household in the United States.

Well, what can we do about all of this? Well, what we need to do is get back to basics. What we did for most of the 1990s we had here in Washington the House and Senate had agreed to what are call spending caps and PAYGO rules. And we need to bring them back. I am not the only one who believes that. Later this week the house is going to vote on some spending caps and PAYGO provisions that I think are long overdue.

Mr. Speaker, I am not the only one who feels that. Let me read what Chairman Alan Greenspan said about PAYGO and spending caps and house Committee on the Budget in July of 2003. I will quote, ''I would like to see the restoration of PAYGO and discretionary caps, which essentially will restrain the expansion of the deficit and indeed ultimately contain it.'' He went on to say, ''It did that back in the early 1990s. I thought it was quite surprisingly successful in restraining what had been a budget which had gotten out of kilter. I would like to see those restraints reimposed and, by their very nature, they will bring fiscal responsibility back.''

Let me just read what he also said in a Committee on the Budget in 2002 about spending caps and PAYGO. ''Restoring fiscal discipline must be a high priority. The progress in the 1990s in reducing budget deficits might have been elusive were it not for the budget rules that had worked far better than many skeptics, myself included,'' and this is Mr. Greenspan speaking, ''myself included had expected.''

''Now is not the time to abandon the discipline of the structure that worked so well for so long.

□ 1945

The framework enacted in the Budget Enforcement Act of 1990 must be preserved.

Well, we allowed those spending caps to expire a few years ago; and it is no coincidence that when we allowed the spending caps to expire, Federal spending began to go up at double the rate it went up for most of the 1990s. We will have an opportunity on Thursday to deal with this. Hopefully, we will have a vote on this thing; and we need to return to some form of spending caps and PAYGO.

We have got a tough budget here in the House. We have got to make certain that it gets enforced. I am not the only one who believes that. Dr. Alan Greenspan was saying this a couple of years ago.

THE ECONOMIC OUTLOOK

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

Mr. BROWN of Ohio. Mr. Speaker, last week, on the floor of this Chamber, there were two interesting 1-hour presentations. The first hour came from the other side of the aisle, from the Republican side. Members from Texas and Illinois, Members from Arizona and West Virginia, Members from Florida, Indiana, from my State of Ohio all spoke on the floor and talked about the growing economy, how the American economy is back.

They talked about corporate profits being up. They talked about economic prosperity. They said that our economy was in fine, fine shape. In fact, they quoted President Bush's Secretary of Commerce who said, ''It is the best economic climate in my lifetime.'' That was the first hour.

The next hour a group of us from mostly Ohio, the gentleman from Ohio (Mr. RYAN), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Ohio (Mr. STRICKLAND), was joined by the gentlewoman from Illinois (Ms. SCHAKOWSKY). We, instead of sort of cheerleading this economic growth, we talked instead or related stories from people in our districts and letters we had received about people struggling with stagnating wages, with tuition increases. Ohio State's tuition will go up 13 percent this fall. Akron University's tuition went up 16 percent last fall. We talked about gas prices, people's difficulty of dealing with higher gas prices, of diminishing health care benefits, the employers cutting prescription drug benefits, all of that.

In my State of Ohio, we have lost one out of six manufacturing jobs since President Bush took office. Some 228,000 jobs overall have disappeared in my State since the President took the oath of office in 2001. In fact, because we have lost 2.5 million jobs since he took office, President Bush will be the first President since Herbert Hoover to have had a net loss of jobs.

Now, we can talk about how much corporate profits are up, and that is a good thing for sure. We can talk about some economic growth, and this is a good thing; but when we look at the economy and we look at the kinds of job loss and we think about what that job loss means, first of all, a steelworker in Canton, Ohio; an auto worker in Lorain, Ohio; a textile worker in North Carolina that loses a job that pays $10 or $12 or $15 or $20 an hour, depending on the plant and the location, what that means when that family loses that job, if perhaps the members of the family can find another job, that certainly will pay less, if they can find anything else, but think what that means to that family and those children and to the schools in that district where that plant closed down.

The city of Cleveland laid off 600 teachers starting this fall. Classrooms in Cleveland now will average 30 students per classroom. Layoffs in my home city of Lorain, several dozen teachers lost their jobs because we have lost industrial jobs. Police and fire are laid off, which is a greater hardship on those families and greater hardship on the communities that they face, which will then have slower police and fire response time.

The person that owns the diner, the waiters and waitresses in the diner

next to the plant that closes down, loses business, may go out of business. The real estate agent is faced with selling a whole bunch of homes that nobody wants to buy. Workers, all kinds of people are affected from this kind of job loss.

Now the White House, they have enlisted cheerleaders, Members of Congress, who come to this House floor and talk about this growing economy, talk about corporate profits going up and talk about how it is the best economy in memory of the Secretary of Commerce. In their play book, the White House apparently does not see this or does not care to see what happens to these families and what happens to these communities. The White House play book says between now and the election you have got to be optimistic, you have got to cheer lead, you have got to say the economy is better, you have got to make Americans think everything's great in this country; that we are going to continue to grow.

I do not question my Republican friends. I think they actually believe that. They believe that because 5 percent of the people in this country have gotten big, big tax cuts, a person making $1 million got $123,000 tax cut from the President Bush, somebody makes a lot less makes almost nothing. The people that Members of Congress hang around with are doing well. They have good jobs. They get tax cuts. They are doing well. Their companies are doing well because they are the CEOs.

But when they are cheerleading about how great the economy is and accusing people like Senator KERRY of being doom and gloom, the fact is we have got to change the policy. We have got to change the direction of this economy. We have got to stop doing it the way we are doing it. We need to give tax relief to those companies that are hiring domestically and not exporting jobs overseas.

HONORING LANCE CORPORAL JASON MURRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a true American hero, 20-year-old Lance Corporal Jason Murray. Lance Corporal Murray is a United States Marine from the 2nd Battalion, 4th Marine Regiment, 1st Marine Division. Jason's home is in Sterling, Colorado, in the northeast part of our beautiful State.

Jason has wanted to serve in the military since he was a boy. He graduated from Sterling High School in 2002 and enlisted in the Marines in the fall of that year. He became engaged to his high school sweetheart, Kelsi, in the fall of 2003 following boot camp.

Jason is currently recovering from injuries he received in Iraq on March 29. Jason was patrolling near Ar Rahmadi searching for improvised explosive devices. One of the devices detonated 3 feet in front of Jason, killing the Marine in front of him and seriously injuring Jason. Jason received the full force of the explosion, with shrapnel striking him in the face, chest, and arms. He lost his right eye and currently has no vision in his left eye. He lost most of the teeth on the left side of his face and received brain trauma as well.

He spent 10 days in a drug-induced coma at the 31st Combat Support Hospital outside of Baghdad. Numerous surgeries were performed before he was stable enough to be airlifted to Landstuhl, Germany, and then on to Bethesda Naval Hospital in Maryland where his family and fiance joined him. Jason is making a remarkable recovery and has recently been transferred to Craig Medical Center in Denver for rehabilitation.

Because he received wounds while in combat, Lance Corporal Jason Murray was awarded the Purple Heart. Jason also received a flag that had been flown over the Capitol in his honor on March 23, 2004.

Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country that honors citizens for their spirit, their ideas, their individuality, and their courage. We can maintain the blessings of our freedoms only because we have citizens like Jason who are willing to fight to defend them for us.

I am proud to honor Jason for his courage and sacrifice on behalf of all Americans. I applaud Jason for his courage and selfless dedication to duty. He has helped protect our democracy and kept our homeland safe by placing his life on the line.

Jason is truly the embodiment of all the values that have molded America into this great Nation that it is today.

May God bless Jason.

SMART SECURITY AND INDIA-PAKISTAN NUCLEAR ISSUES

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

Ms. WOOLSEY. Mr. Speaker, the border between India and Pakistan has commonly been called the world's most dangerous nuclear flashpoint. India is thought to have at least 50, maybe as many as 120, nuclear warheads; and Pakistan is thought to have 30 to 70 warheads, but the two countries took a step towards nonproliferation on Sunday when they signed their first confidence-building agreement on nuclear weapons since 1999.

As part of the agreement, both countries will keep open a permanent telephone hotline to warn the other in advance of tests of nuclear-capable missiles. The confidence-building measures also included an agreement to continue the moratorium on testing nuclear warheads and a promise to continue nuclear talks.

While largely symbolic, this agreement is significant because it represents the desire of both India and Pakistan, two countries consistently at odds with each other, to avoid a devastating nuclear exchange that could kill hundreds of thousands of people.

The United States could take some valuable lessons, Mr. Speaker, from this India-Pakistan agreement. At the same time these two countries are seeking to reduce the threat of nuclear weapons, the United States is funding millions of dollars in research on new nuclear weapons.

Specifically, in this year's budget request, President Bush asked for over $100 million for research and testing of new nuclear weapons, including the robust nuclear Earth penetrator and so-called yield nuclear weapon. Fortunately, these funds were initially rejected by the Committee on Appropriations Subcommittee on Energy and Water Development.

When it comes to nuclear weapons, President Bush just does not seem to get it. While countries like India and Pakistan have taken the first step to making the world safer, our President seems to think the only good defense is a good offense.

But how strong does our offense need to be? We already possess 9,000 strategic nuclear warheads. How many of these weapons of last resort do we need before we feel secure? How much money do we need to spend on new nuclear weapons while neglecting important domestic programs before we decide that we have finally spent enough?

Mr. Speaker, there has to be a better way, a more sensible way, a way more rooted in the best American values, and there is.

I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. We need to stop the spread of weapons of mass destruction, and keeping the American people safe must be our highest priority. On that point, the President and I agree; but we must avoid equating our security with aggression and military force.

The United States possesses the world's largest nuclear stockpile, but nuclear weapons are not the answer to our problems because conflicts between nations require a more delicate touch.

Instead, SMART security calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and vigorous inspection regimes.

The United States must set an example, Mr. Speaker, an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons.

We must maintain our commitment to existing international treaties like the Nuclear Non-proliferation Treaty,

the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention.

We must support and adequately fund programs like the Cooperative Threat Reduction Program, which works with the Russian Federation and the states of the former Soviet Union to dismantle nuclear warheads, reduce nuclear stockpiles and secure nuclear weapons in Russia; and we must replicate this successful program in other troubled countries like North Korea and Iran, because not every country will proactively choose to give up its nuclear program. In the long run, negotiating with other countries will keep us much safer than scaring them into submission.

□ 2000

The Bush doctrine of arrogant nuclear proliferation has been tried and it has failed. It is time for a new national security strategy.

SMART security defends America by relying on the very best of America, not relying on her nuclear capabilities, but our commitment to peace and freedom and our capacity for multilateral leadership. SMART security is tough, SMART security is pragmatic and patriotic. SMART security is smart and it will keep America safe.

CONGRATULATIONS ON RETIREMENT OF REVEREND PATRICK SHANNON

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

Mr. GINGREY. Mr. Speaker, I come to the floor tonight congratulating Reverend Patrick Smith Shannon on his retirement from the Ministry after 41 years of service. Reverend Shannon presided over three different churches in the congressional district I represent in western Georgia, including the LaGrange First United Methodist Church in Troup County from 1968 to 1971, the Villa Rica United Methodist Church in Douglas County from 1971 to 1977, and the Smyrna United Methodist Church in Cobb County from 2001 to 2004.

Although Reverend Shannon is retiring from an active Ministry, he will never retire in his unwavering service to God. Blessed with a loving wife, Patricia, two children, Tim and Heidi, and four grandsons, Reverend Shannon's journey through life has yielded countless stories and life experiences which he has used to share the wisdom of Christ and the value of faith.

He went to Young Harris College, to Georgia State University, and obtained a Masters of Divinity from Emory in 1965. Born in Thomasville, Georgia, and raised in East Point, Reverend Shannon is a true Georgian to the very core.

Reverend Shannon is a servant of God, blessed with the gifts of teaching, compassion, and Ministry. He values the unity and fellowship of the traditional community church, where he reaches out to Christians and non-Christians of every age group. I am fortunate to have had the privilege of attending a few of Reverend Shannon's services at the First United Methodist Church in Smyrna, and have always found them to be inspirational. He is a true gift to the city and to the State of Georgia. We will cherish and appreciate him for years to come.

On behalf of the constituents of Georgia's Eleventh Congressional District, I appreciate Pat Shannon's service to our spiritual community, and I wish him many new journeys in his retirement.

MIDDLE CLASS SQUEEZE

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

Ms. SOLIS. Mr. Speaker, tonight I rise to bring attention to how priorities of our hard-working American families are being crushed under this administration's policies.

When President Bush first took office, he had a $236 billion budget surplus, there had been 22 million jobs created in the previous 8 years under President Clinton, and this country was experiencing the biggest drop in child poverty in our history. But what has changed in the past 4 years since Bush took office? Well, today there are 8.2 million Americans who are looking for work, and unemployment rates in many parts of our country are at a higher rate, almost 30 percent higher, than they were 4 years ago. And in my district alone, embarrassingly, some rates are as high as 9 percent. Plus, today's job market has lost economic value and too many positions that are being created are only part-time.

What this administration has not said when it talks about jobs it has created is that 90 percent of these new jobs since August 2003 are in industries that pay an hourly wage that is less than the national average. About 1.3 million of these jobs make an average wage of $15 an hour. That is 40 cents less than the national average. And it is an embarrassment that our own Federal minimum wage has not been increased. Imagine a family trying to survive on making $5.15 an hour, and that wage has not gone up for many years.

Clearly, it is not the struggling middle class families benefiting from the Bush administration's economic policies. Take a look at California. There have been 214,000 people who have lost their jobs in my State, and 346,000 were in manufacturing jobs alone, good paying jobs that left. Plus, the jobs that are being created in California are paying less than the jobs that are being lost and are less likely to even offer health benefits.

At a time when American families are struggling to pay for health care, when they are struggling to send their kids to college and get food on the table, we are sending billions of dollars to the very wealthy, 2 percent of our population.

Let us not also forget that the cost of gasoline has increased by 62 percent under the Bush administration. Californians will spend $2.35 billion more for gas this summer. That means per family $210 just for driving around in the summer. Gas in my district is now being sold at $2.39 a gallon. But instead of doing things to help working families, the Republican-led Congress spent last week debating energy bills that will do nothing to help working families cope with these outrageous energy costs, including trying to negotiate lower gas prices.

This administration even said that because of the bill's passage last week on so-called energy relief, our gasoline prices will actually go up by 3 cents. The administration would rather try to hide its relations with the oil industry than seek real productive ways to help our consumers. In California, gas prices went up faster than the Federal Trade Commission anticipated they could and companies rolled in the dough. Exxon Mobile reported a 125 percent increase in profits for the first 3 months of this year.

When the Bush administration claims they are concerned about the financial pressures of middle-income families, I would ask them, what are they doing to address the fact that the price of gasoline has increased 62 percent under this administration? Across the board, Americans are spending more on food, on health care, on education and gas. President Bush has done nothing to change his economic policies to consider the real needs of the American public.

Let us start fighting for a real plan that is just, that is Democratic.

IRAQ WATCH

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

Mr. DELAHUNT. Mr. Speaker, it was approximately a year ago, in fact I think it was better than a year ago now, that myself, a number of my colleagues, the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), and, of course, the gentleman from Hawaii (Mr. ABERCROMBIE) took to the floor to express our concerns about what was transpiring in the Middle East, with a special focus on Iraq. We have done that on a rather regular basis over the course of the past year, and we have come to call this hour the ''Iraq Watch,'' where we have a discussion among ourselves for the benefit of those that are viewing our conversation through C–SPAN.

At the very beginning, we expressed our concern that American credibility was at stake, as well, of course, as providing an opportunity to observe the competence of this White House in terms of its conduct of the war in Iraq. And, tragically, unfortunately, many of our concerns have materialized.

I think every American remembers rather clearly the multiple statements, not just from the President and the Vice President, but from every single official representing the administration, whether from the Department of Defense, the Department of State, clearly from the White House, wherein they articulated the rationale for the military intervention in Iraq based on two particular concerns. One, of course, was expressed by the President and others when he continued to state that Saddam Hussein possessed weapons of mass destruction and that a nuclear weapons program was underway and that at any time we could be faced with the vision of a mushroom cloud somewhere in the world, specifically in the United States.

Well, I think there is a consensus among the American people and among Members of this institution, as well as a number of members of the administration that that particular basis for the military intervention in Iraq, the concern about weapons of mass destruction, did not materialize, and that the intelligence was faulty.

It was the former United Nations' inspector, David Kay, who received plaudits and kudos and respect, and deservedly so, from Members on both sides of the aisle, when he was designated by this administration to travel to Iraq and to develop a cadre of experts to assist him in the discovery of where those weapons of mass destruction were located.

I am sure many Americans remember the Secretary of Defense, Donald Rumsfeld, indicating that we knew where those weapons were; that they were around the Tikrit area and outside of Baghdad. Well, of course, again, that intelligence did not produce the location, and the statement of Mr. Kay later was that Saddam Hussein did not have weapons of mass destruction. In fact, he did not have a nuclear weapons program.

In testimony before the Senate Committee on Foreign Relations, he made a statement that was emblazoned on the front page of Newsweek Magazine, which has been repeated again and again, and that statement was: ''We were all wrong.'' ''We were all wrong.'' There was also a statement from a newspaper published in Great Britain that I think is worth repeating, and it is a statement made by David Kay. ''The former chief inspector warned yesterday that the United States is in grave danger of destroying its credibility at home and abroad if it doesn't own up to the mistakes it's made in Iraq.''

□ 2015

And while there has been some acknowledgment that the weapons of mass destruction that purportedly existed in Iraq are not there, there never has been a definitive statement coming from the White House that would support the conclusion reached by Mr. Kay.

In fact, the Vice President, Mr. CHENEY, stated that the weapons of mass destruction might still be found in Iraq; and Mr. Kay's response was, ''What worries me about Cheney's statement is I think people will hold out for a hail Mary pass, delay the inevitable, looking back at what went wrong and believe we have enough evidence now to say that the intelligence process and the policy process,'' I repeat that, ''the policy process that used that information did not work at the level of effectiveness that we require in the age that we live in.''

Well, I think all Americans, or most Americans, know that there are no weapons of mass destruction in Iraq.

Of course the other most prominent rationale for the military intervention in Iraq was a purported relationship between Saddam Hussein and the terrorist organization that we all know so well, al Qaeda.

In fact, in a letter sent to the Speaker of the House and the President of the Senate just prior to the invasion of Iraq and signed by the President, the President puts forth in what I would submit is rather clear and unequivocal terms that, ''I determine,'' this is President Bush, ''that reliance on the United States of further diplomatic and other peaceful means alone will neither adequately protect the national security of the United States against the continuing threat posed by Iraq nor likely lead to enforcement of all relevant National Security Council resolutions regarding Iraq, and acting pursuant to the Constitution and the public law,'' which this Congress passed authorizing that military intervention, ''is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations,'' the clear implication being the nation of Iraq, ''organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, the date of our national tragedy.''

Well, recently a report was issued by the so-called 9/11 Commission, which was the subject of much debate and discussion over the course of this past weekend. I think it is important to explore in some detail that report and have a conversation about those allegations that were used by this White House as a rationale for the invasion of Iraq.

Let me read from the pertinent section of the report. The report reviews the activities of Osama bin Laden and al Qaeda, and now I am quoting from the report: ''A small group of al Qaeda operatives subsequently traveled to Iran and Hezbollah camps in Lebanon for training in explosives, intelligence, and security. Bin Laden reportedly showed particular interest in Hezbollah's truck bombing tactics in Lebanon in 1983 that killed 241 United States Marines. We have seen strong, by indirect, evidence that his organization did in fact play some,'' as yet unknown, ''role in the Kobar attack.''

Let me repeat that again for emphasis. Osama bin Laden went to Iran, went to Iran and Hezbollah camps in Lebanon, in Lebanon.

Now, again reading from the report, ''bin Laden also explored possible cooperation with Iraq during his time in Sudan,'' in Sudan, ''despite his opposition to Hussein's secular regime.'' Bin Laden in fact at one time sponsored anti-Saddam Islamists in Iraqi Kurdistan.

The Sudanese to protect their own ties with Iraq reportedly persuaded bin Laden to cease the support and arrange for contacts between Iraq and al Qaeda. A senior Iraqi intelligence officer reportedly made three visits to Sudan, finally meeting bin Laden in 1994. This is some 3 years after the first gulf war. Bin Laden is said to have requested space to establish training camps as well as assistance in procuring weapons but Iraq apparently never responded. There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan, but they do not appear to have resulted in a collaborative relationship. Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.

Those two senior Iraqi operatives were captured. One was captured last July. He was a al Anni who reportedly had a meeting with Muhammed Atta in the Czech Republic, in Prague, back in April 2001. Much has been made of that particular encounter. Both the CIA and the FBI concluded that that meeting never occurred. Yet we continue to hear it, particularly from the Vice President. He cannot let go, it would appear.

Mr. BURTON of Indiana. Would my colleague yield for just about a 5-second question?

Mr. DELAHUNT. Of course.

Mr. BURTON of Indiana. I have heard the gentleman's arguments. I hope my good and dear friend from Massachusetts will stick around for my response to what he has said.

Mr. DELAHUNT. Mr. Speaker, I am looking forward to hearing his response. I would be happy to engage.

Mr. BURTON of Indiana. We are good buddies.

Mr. DELAHUNT. We are dear friends.

Mr. BURTON of Indiana. I would like the gentleman to hear my response.

Mr. DELAHUNT. I look forward to that. If I am not here in the Chamber, that does not mean that I am not

watching it on C–SPAN. But I can assure the gentleman we will be back here tomorrow night to respond to his response and correct any unintentional mistakes that he makes in the course of his response.

With that, I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. I thank the gentleman from Massachusetts for yielding. This may be a breakthrough tonight. We have, through the 15 months that we have been handling the Iraq Watch duties on the floor, talked about how we would love to be joined by our Republican colleagues in a good-faith discussion about what is happening in Iraq, to discuss the pros and the cons and to question one another, talk to one another about what is working and what is not working. I do not want to put anybody on the spot, but I would be delighted to have a discussion right now. I am sure the gentleman from Massachusetts would yield and I would yield time to anybody who wanted to ask a question or challenge what we might have said.

Mr. DELAHUNT. We can make it a 2-hour conversation. I think that would be informative and hopefully educational.

Mr. HOEFFEL. This is not a challenge. It is an invitation.

In any event, I thank the gentleman from Massachusetts for talking about the whole question of whether or not the connection exists between al Qaeda and Saddam Hussein, a connection that the Vice President has repeatedly invoked. At one point the President himself tried to straighten out the Vice President and said, wait a minute, there is no evidence that Saddam Hussein was behind 9/11. Yet the Vice President has continued to make this accusation, even in the face of the 9/11 Commission staff report that suggests that there was no working relationship, no collaborative relationship between Saddam Hussein and al Qaeda.

There is no doubt that the inability of the coalition to secure Iraq is a tremendous impediment to everything that we are trying to achieve. I certainly share the goals of President Bush in establishing a peaceful and stable Iraq with a representative government, hopefully a flourishing democracy; but that fine goal and all the yardsticks leading up to it cannot be achieved without security. We are going to have no success with reconstruction, we will not have a legitimate turnover of sovereignty on June 30 without security. We cannot have elections without security.

I wanted to do something I have not done before during Iraq Watch, which we started in, I think it was, April 2003. I wanted to read a few words that were spoken at a rally in Los Angeles on June 5 by a young man named Dante Zappala. Dante's brother, Sergeant Sherwood Baker, a member of the Pennsylvania National Guard, was killed in Iraq on April 26, 2004. I have met with Sherwood's parents, Celeste and Al Zappala. They gave me a copy of their other son's comments regarding Sherwood Baker's death. These are the words of Dante Zappala. I will have them entered into the RECORD. They are way too long to read tonight. I wanted to read the first paragraph and part of the last paragraph of these remarks. On June 5, Dante Zappala said of his brother Sherwood Baker:

''The tragedy that touches so many people in so many corners of the world, the tragedy of war, the tragedy of violence and sudden death, touched me on April 26 when my brother, Sergeant Sherwood Baker, was killed in an explosion in Baghdad. I speak today with my voice and with the voice of the countless others who have suffered personal loss as a result of this war, those many people with no microphone in front of them, those many people with no one to listen to their pain. As big brothers do, Sherwood protected me, he carried me, and he taught me.''

Dante went on to express his frustrations with our policy in Iraq and then he ended his statement with the following:

''We do not benefit from the deaths of our soldiers, nor do we benefit from the deaths of the Iraqi people. To honor Sherwood, I have vowed to follow his path, to lift my head and go to work. Our duty is to spread truth. Our duty is to combat the lies, the misrepresentations, the fear, the mongering and the people who mean to ruin our belief in this country. I have made a promise to my brother and that is to do as he would do, to not be angry about my circumstances, to not let bitterness overcome my heart, but to proceed with hope.

□ 2030

''Today and in the days ahead, do not let your anger carry you. Allow your desire to make change carry you. Allow the compassion towards humanity to carry you. Ride your commitment to peace. Share your soul with your country. Share your values with the world. Make it your job.''

Mr. Speaker, I find these words remarkable. A family devastated by the loss of a son and brother, and yet this brother, speaking in Los Angeles, calling upon the better sides of our nature, calling upon all of us to put anger and frustration aside and to talk about compassion toward humanity.

The pain that so many American families have suffered as a result of this war is immense. The sacrifices that the armed services have made, the men and women, the loss of life has been tragic. I am sure it is true to say that they were proud to serve and in virtually all cases proud to honor their country, were there because they wanted to be there, and made a magnificent sacrifice to try to bring peace and stability to Iraq. What angers me, and I try to be inspired by Danta Zappala and not resort to anger, but what angers me, though, is the continuous reputations, he referenced them in his statement, the continued attempts to connect the Saddam Hussein regime with 9–11, a connection that is bogus, a connection that the gentleman just said was not made by the CIA, denied by the FBI, and yet the Vice President continues to want to use that nonexistent connection as a justification for taking us to war with half truths and with deceptions.

Mr. DELAHUNT. Mr. Speaker, again, I think it is absolutely critical to understand that there is no one that is unhappy with the removal of Saddam Hussein from power. But the question that we are posing here tonight is the allegation that there was a collaborative relationship between al Qaeda and the Saddam Hussein Iraqi regime. And what we are talking about is the credibility of the White House, the President, and, therefore, the United States.

As I said earlier, we discovered what happened when it came to the issue of weapons of mass destruction, and here we are again, even after the report by the 9–11 Commission, even after a statement by David Kay, not only relating to the issue of weapons of mass destruction, but the relationship between al Qaeda and Saddam Hussein.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I do not know if my colleague has read anything that Lee Hamilton, the Democrat co-chairman of the 9–11 Commission, had to say on the News Hour with Jim Lehrer on June 16, just last week, 2004. Let me read what Lee Hamilton said: ''We have solid reporting of senior-level contacts between Iraq and al Qaeda going back a decade. Credible information indicates that Iraq and al Qaeda discussed safe haven and reciprocal nonaggression. Since ''Operation Enduring Freedom,'' we have solid evidence of the presence in Iraq of al Qaeda members, including some that have been in Baghdad. And then Chairman Kean of the committee, along with Chairman Hamilton, said that there definitely were a number of contacts. Chairman Kean called these contacts shadowy, and the administration agrees with them. These were contacts between a deadly terrorist organization that was seeking support in a country that the administration knew had supported other terrorist operations.

So to say that nothing was going on, I mean they did not meet to have tea and crumpets. They did not meet just to have an ice cream sundae.

Mr. DELAHUNT. Mr. Speaker, I look forward to this continuing conversation this evening. Again, the report refers to contacts that were made back in 1994. If we talk about contacts, it was the Bush administration, the Bush One administration, that had contacts with Saddam Hussein that dated back from 1982 when he was removed from the terrorist list, when there was an embassy installed in Baghdad, when we

provided him with intelligence, when we provided him with the ingredients for weapons of mass destruction, when we transferred to him, when we transferred to him, dual-use technologies.

I have a chart behind me that would establish without any doubt whatsoever, it is a CRS report, that in the 1980s, we had multiple contacts, and we should not be surprised that in 1990, it was discovered that he had a nuclear weapons program because it was the then-Bush administration and its predecessor that provided the components to do exactly that. The contacts that the gentleman from Indiana refers to occurred in 1994, and it was as a result of a request from the government of Sudan, where Osama bin Laden was living. The Iraqi official that visited Saddam Hussein heard what he had to say, returned to Iraq, and there was no further contact.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I continue to yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, since we are going back in history, let me just say that we had the attack on the World Trade Center the first time in 1993; in 1996 we had the Khobar Towers; in 1998, we had embassy attacks in Nairobi; in 2000, we had the USS *Cole*, all during the previous administration. And during that time when Osama bin laden was in the Sudan, there were 13 known-terrorist training camps under his control, and the CIA reported those to the previous administration, and nothing was done about it.

So when we start talking about this administration's being asleep at the switch, the fact is that President Bush, when he took over, decided to do something about it because there were contacts between al Qaeda and Saddam Hussein. Uday Hussein had one of the leaders of al Qaeda just last year in Baghdad for medical treatment. They had a very close relationship.

So my question to my colleagues is this: Why did the previous administration not, when they knew there were 13 terrorist training camps in the Sudan, they knew that Osama bin Laden was there, they knew that the CIA had talked about it and said let us go in and get him, and they did not do a doggone thing after all these attacks on U.S. installations?

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I will give the gentleman a nonanswer answer. The nonanswer is we could pose another question, which is why did the first President Bush not go in and eliminate Saddam Hussein when he had that information as well? And that is an interesting historical issue, but it is one that is not pertinent to why I came here tonight, and I would like to address that issue.

I think the issue is that Congress has a responsibility to fulfill now, which is to hold the administration accountable if, in fact, it created a false impression in the American people. And this is an interesting academic issue, whether it was contacts or collaboration or something more, but the bottom line is the President enjoyed some popular support for this war based on two pillars: the first pillar being his assertion that Saddam had weapons of mass destruction, and that has now by and large been shown to be a falsehood; and the second pillar was that Saddam Hussein was responsible for killing over 2,000 Americans on September 11.

And that was the impression that this President created. In fact, in a poll taken in September, 2003, 69 percent of Americans said they believed Saddam Hussein was personally involved in the attacks.

Here is the question I have, and then I will answer it: Where did 69 percent of the American people get the impression that Saddam Hussein was personally involved in the attacks of September 11? Did they get it from just reading The New York Times? I do not think so. Did they get it just watching Dan Rather? I do not think so. Did they get it from reading the penny press at home? I do not think so. They got it from President George Bush, who did everything possible to create the impression that Iraq was associated with the attack, an ally, in the attack of September 11.

Why do I say that? Because that is the language President Bush used. On May 1, 2003, he said: ''The liberation of Iraq is a crucial advance in the campaign against terror. We have removed an ally of al Qaeda and cut off a source of terrorist funding.''

The interesting thing that I challenge anyone to show me, the September 11 Commission reached what appears to me to be a factual conclusion. It appears to me to be the most rational conclusion I think we can make on the evidence we have. They said: ''We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.'' That is what they said. I believe that is most likely to be true.

When did President George Bush ever say we have no credible evidence that al Qaeda cooperated on attacks against the United States? When the President of the United States was urging another war, a preemptive attack on another country, without significant international assistance, and when he would believe that if a misimpression was created by the American public, it could lead to the wrong conclusion, did this President come forward and say the truth, which was there may have been some contacts, some discussions, between al Qaeda and Saddam Hussein's agents, they were way back in 1994, there was no active collaboration that took place, but I want to make sure the American people understand this one central tenet, because I want to make sure there is no confusion here: As far as we know, Saddam Hussein was not behind the attacks on September 11, and I do not want anybody starting a war based on this false impression.

Did the President of the United States ever level with the American people and say that? No, he did not. This was an impression that he knew he was creating. If the Members would go see the movie the ''Flim-Flam Man,'' starring George C. Scott, it was about a great guy who understood how to create impressions to get people to take action. And there was an impression created that Iraq was responsible for the deaths of over 2,000 Americans. And it is most unfortunate.

The reason we have come here tonight is to talk about the fact that it is unhealthy for a democracy, for a President to create false impressions that end in war, and this President created two massive false impressions. One that this demonic monster, Saddam Hussein, who we all agree on a bipartisan basis is a demonic monster, had weapons of mass destruction and that we were threatened with a mushroom cloud; and the second, he allowed 69 percent of the Americans to believe that Saddam was the one who attacked us, and that is an undemocratic action, and it is wrong, and he ought to be held accountable for it.

Mr. DELAHUNT. Mr. Speaker, if I could, because I want to respond to my friend from Indiana, because I know that he holds in high regard David Kay, who was selected by the administration to go to Iraq and review the various assertions and the concerns that they had about weapons of mass destruction as well as a relationship between Saddam Hussein and al Qaeda, and this is a statement that appeared today in fact in The Boston Globe and it quotes David Kay: "'At various times al Qaeda people came through Baghdad and in some cases resided there,' said David Kay, former head of the CIA's Iraq survey group, which searched for Iraqi weapons of mass destruction and links to terrorism, 'but we simply did not find any evidence of extensive links with al Qaeda or, for that matter, any real links at all.' "

□ 2045

He was referencing the statement by the Vice President. Again, ''CHENEY's speech is evidence-free,'' Kay said. ''It is an assertion, but does not say why we should believe this now.''

Mr. Speaker, I yield to my friend, the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding.

I wanted to thank our friend from Indiana for jumping into this discussion. We have been looking for some bipartisan debate back and forth; and the gentleman, if nothing else, has the courage of his convictions; and we welcome him here tonight.

I wanted to respond to a couple things the gentleman from Indiana (Mr. BURTON) said. I think he said that

we were suggesting George Bush has been asleep at the switch in Iraq. That is not at all what we have been suggesting here. President Bush has been anything but asleep at the switch. He has been very aggressive regarding Iraq.

Mr. DELAHUNT. If I may reclaim my time, the reality is that this administration, a week after the inauguration, according to a very fine Republican by the name of Paul O'Neill, former Secretary of the Treasury, had an extensive discussion about Iraq at the first meeting of the National Security Council and why it should be targeted.

I have a long list of quotes from administration officials and others that were there that can provide firsthand evidence. What I found particularly disturbing, however, according to Paul O'Neill, a good, fine, conservative Republican who was the CEO of a fine American corporation called Alcoa, was that on February 27, months before 9/11, at a National Security Council meeting, there was a map laid out; and there was a discussion among the principals about how the oil fields in Iraq would be divvied up between nations and between various corporations. I commend to my friend, and I know he must have a copy of that book, it is called ''The Price of Loyalty.''

On page 96, I will not bore him and those who are watching us here tonight with reading it, but I believe somebody owes the American people and this Congress, Republicans and Democrats, an explanation of why months before 9/11, months before 9/11, months before there was any discussion about weapons of mass destruction or links, if you will, between al Qaeda and Saddam Hussein, we are talking about war.

Mr. BURTON of Indiana. If the gentleman will yield briefly, Condoleezza Rice, the Vice President and a whole host of National Security Council members were at that meeting. The gentleman to whom you are referring is sour grapes because he lost his job as Secretary of the Treasury. Their interpretation and their recall of that meeting does not jibe with that at all. That is his singular opinion.

So let me just say that one person's comment at a meeting does not make it so.

Mr. DELAHUNT. I would remind my friend from Indian of the 11th amendment.

Mr. BURTON of Indiana. What is that?

Mr. DELAHUNT. That Republicans do not criticize Republicans. I will have to defend Paul O'Neill.

Mr. BURTON of Indiana. That is the gentleman's prerogative.

Mr. DELAHUNT. Again, because we have a good discussion going here tonight, I think it is important for all those that are watching, because we will chew right into our friend's time too, I think it is important here tonight that the American people understand that this is good discourse. This is the kind of debate that this institution needs.

Despite the fact that we have disparate views and profound disagreements, the reality is that we do have mutual respect, and in the case of the gentleman from Indiana (Mr. BURTON) we have affection.

Mr. ABERCROMBIE. I think the gentleman from Indiana missed that last comment. You might want to repeat it.

Mr. DELAHUNT. I am not going to repeat the praise I gave to the gentleman from Indiana (Mr. BURTON). Only once he gets the kudos.

While the gentleman might disagree with Paul O'Neill, the former Secretary of the Treasury who was appointed, obviously, by this President, I wonder if he disagrees with an observation or an anecdote that was related by Bob Woodward just recently in the book that is on, I understand, the President's Web site, where, again, I am quoting from the book. I do not want in any way to infer that this is coming from me or any of my Democratic colleagues.

But in response to this desire for war against Iraq, Bob Woodward writes, ''Powell thought that CHENEY had the fever. The Vice President and Wolfowitz kept looking for the connection between Hussein and September 11th. It was a separate little government that was out there. Wolfowitz, Libby, Undersecretary of Defense Douglas Feith and Feith's gestapo office, as Powell privately called it. CHENEY now had an unhealthy fixation. Nearly every conversation or reference came back to al Qaeda and trying to nail down the connection with Iraq. He would often have an obscure piece of intelligence. Powell thought that CHENEY,'' Powell not, not O'Neill, ''took intelligence and converted uncertainty and ambiguity into fact. A conversation would suggest something might be happening, and CHENEY would convert that into a we know. Powell,'' not O'Neill, ''Powell concluded we didn't know and no one knew.''

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I wonder if I could prevail upon my good friend, the gentleman from Indiana (Mr. BURTON), who, I might say this evening is in sartorial splendor, as well as a good friend, if we might prevail upon him to maybe come back at another time when we can have a conversation on this, because it is vital to America's interests.

I know the gentleman from Indiana (Mr. BURTON) has spent his entire congressional career addressing precisely that.

Mr. BURTON of Indiana. If the gentleman will yield further, I will be happy to do that, if you ever give me some macadamia nuts.

Mr. ABERCROMBIE. I will be happy to do that.

Mr. HOEFFEL. Mr. Speaker, if the gentleman will yield, back to the gentleman from Indiana (Mr. BURTON), I just wanted to respond finally to the gentleman's suggestion that the prior administration, the Clinton administration, had not done enough after several acts of terror against this country.

The act of terror on 9/11 did change the thinking of a lot of people. But if you will recall, in August of 1998, President Clinton did order cruise missile strikes in Sudan as a result of some of the acts of terror; and the Republican opponents in the Congress of the President at that time did not accuse him of doing too little; they accused him of doing too much. There was a great partisan uproar that President Clinton was trying to distract the public from his impeachment woes with the use of American military power.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield, let me just say according to most news reports that was not a factory for weapons of mass destruction, as was anticipated, it was an aspirin factory; and there was no reason for it. There were a lot of people, including the media, that thought it was a ''wag the tail'' type of attack.

Mr. HOEFFEL. I would say to the gentleman that the fact is the Republican opposition at that time was in full throat, and the criticism was not that he should be doing more; but that he was doing too much, in the view of his critics.

I raise the point in good faith. I was not in the Congress then, and the gentleman may or may not have been involved at that point at that time. It shows you when there is too much partisanship I think that it clouds the judgment. It probably affected President Clinton. He probably did not think he could have congressional support if he took more action at that time. I do not know.

I would suggest that there is a time when the level of partisanship can rise so high that it can cloud the judgment of the government to act in a concerted way. I do not want to see that happen.

There is a lot of frustration about Iraq and a lot of opposition to what many of us think are the deceptions and the half-truths that have been used. The gentleman from Massachusetts (Mr. DELAHUNT) came today to try to talk about that, and I welcome the bipartisan discussion tonight; but we have got to try to get past the bipartisan anger.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will continue to yield, I think what is important here then to get across this evening is that calling people to account is what we do. The oversight function of the Congress has a long history. I can go back to the time in which some people wonder how Harry Truman got to be chosen as Vice President of the United States just prior to Franklin Roosevelt's death, before his last campaign. Of course, he had made his reputation on an oversight committee in the Senate looking into war profiteering, is what he had done, trying to hold people to account. That is what this is all about.

If someone wants to take up the position that this is a concentration on

President Bush for partisan activity, he is the President. He is making the decisions, and those decisions are subject to scrutiny.

As the gentleman from Indiana (Mr. BURTON) very well knows, back at the time when Mr. Clinton made decisions about Bosnia and Kosovo, I found myself in opposition to him and said so. I think at least as far as this Member is concerned, I do not have to take a back seat to anybody in trying to bring anybody to account in the executive, Democrat or Republican, if I think that is in order.

If I know my friend, the gentleman from Indiana (Mr. BURTON), well, and I think I do, he does not stand for anybody telling him who should be brought to account either. He has stood up on more than one occasion, perhaps even singularly, calling for an accounting on various issues. I think that is his function and our function, and that is what this Iraq Watch is all about, I can guarantee you that. If we think somebody is doing the right thing, we are going to say so; if we think somebody is not acting necessarily in the best interests of the United States, regardless of what their motivation might be, it is up to us to say so and engage in a dialogue to try to illuminate where the interests of the American people are.

I know that the gentleman from Indiana (Mr. BURTON) agrees with that, and I look forward to any discussion we might have in the future along those lines.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I think it is important to note that. Again, I am not sure about whether it was an aspirin factory, but I think what is really important is the point that the gentleman from Hawaii (Mr. ABERCROMBIE) just made about oversight.

It is clear that there are no weapons of mass destruction. It is clear that the kind of relationship that has been suggested by the administration, particularly the Vice President and the President, does not exist. It is, I dare say, hurting our credibility.

We come to this as Americans. You know that, I know that, and we all know that. And this information comes from a variety of sources, whether it be from Bob Woodward, who describes a conversation that Secretary Powell has, or whether it is Paul O'Neill.

In the case of Richard Clarke, the terrorist chief, in the aftermath of 9/11, he writes in his book he expected the administration to focus its military response on Osama bin Laden and al Qaeda. He says he was surprised that the talk quickly turned to Iraq. ''Rumsfeld was saying that we needed to bomb Iraq,'' Clark said, ''and we all said no, no. Al Qaeda is in Afghanistan. We need to bomb Afghanistan. And Rumsfeld said, there aren't any good targets in Afghanistan, and there are a lot of good targets in Iraq.

''Well, there are a lot of good targets in lots of places, but Iraq had nothing to do with 9/11. Initially I thought when he said there are not enough targets in Afghanistan, I thought he was joking. They wanted to believe there was a connection, but the CIA was sitting at that particular meeting, and the FBI was sitting there, and I was sitting there, and we looked at the issue for years, and we reached a conclusion that there was no connection.''

The point is, let it go. To follow the admonition of David Kay, it is time to acknowledge our mistakes as a Nation and to begin to restore some of our credibility internationally.

I yield to the gentleman from Washington (Mr. INSLEE).

□ 2100

Mr. INSLEE. Mr. Speaker, I would like to make a comment. I want to pose a important question to the gentleman from Indiana (Mr. BURTON) if he could help us out.

My comment is on the difference between connection and action and collaboration. I do not think there is any question that there had been some communication between al-Qaeda and some Iraqi officials. I think we all agree on that, and have for a long period of time. The September 11 Commission reported that back in 1994, bin Laden had essentially asked for help from Iraq but Iraq said no deal. We are not going to help you.

And from that, the September 11 Commission concluded, a bipartisan commission concluded there had been no collaboration and there had been no active work between the two. In fact, the two highest bin Laden associates we have in custody have adamantly denied that any ties existed between al-Qaeda and Iraq.

I think an accurate picture that has been stated is that there were some contacts and that bin Laden had asked for help and Iraq had refused to give him help. And yet the President started this war. Now, the question I have is what was the President trying to do in this conversation with the American people? It appears to me that he was trying to create an impression in the American people that Iraq was behind the attack of September 11. Let me give you just one quote that fits into that impression. On September 14, 2003, Vice President CHENEY said ''If we are successful in Iraq, then we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who have had us under assault now for many years, but most especially on 9/11.''

That is just one of hundreds of statements made by this administration that to me was responsible for creating an impression in at least 69 percent of the American people that Iraq was behind it and that this was pay-back time. In fact, I remember seeing a tank as it entered Baghdad with it was lettered on the side ''pay back time.'' And I can understand why soldiers felt that way if the President of the United States was creating an impression that Iraq was responsible for September 11.

It was not an impression that led this country to war that bin Laden had asked for help, but Iraq had said no, that is not the salient feature that led to this war. What led to this war was the President succeeding in creating an impression in America that Iraq was behind this venous and evil attack against us on September 11.

So the question to the gentleman from Indiana (Mr. BURTON) if I can ask him, just kind of two questions, does he share my view that probably a majority of Americans had the impression as the result of its Federal Government's dissemination of information, the administration, that Iraq was behind in some fashion, or associated with the attack on September 11?

And if that is true, does he think the President of the United States did enough to be candid with the American people to tell the American people that no, we do not have any evidence of collaboration resulting in the attack of September 11. Sincere question.

Mr. BURTON of Indiana. Mr. Speaker, the fact of the matter is the President went to war with Iraq because of two reasons: One, weapons of mass destruction; and two, the threat to security in the Middle East and the United States of America, and because there were indications of a connection between al-Qaeda and Saddam Hussein. And there is documentation even stated in the 9/11 Commission report or in the 9/11 Commission statement.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, if one reviews the 9/11 report, they are very clear that there were more connections, more connections between Lebanon, between Iran and al-Qaeda than there ever were between Saddam Hussein and al-Qaeda. Al-Qaeda, in fact, Osama bin Laden, in 1990 right after the invasion of Kuwait, went to Saudi Arabia and met with Prince Sultan, who was the defense minister and said that we have to do something about that secularist. Let us join forces and destroy Saddam Hussein. He considered Saddam Hussein as an apostate, a corrupter of Islam.

The point is, and again, another report that came out today, Chairman Kean, again suggests that the connections between Pakistan, between Iran and Hezbollah, far exceeded the connections between Saddam Hussein and al-Qaeda. There was no collaborative relationship. We continued to hear about al-Qaeda bases in Iraq. They were in northern Iraq under the protection of the no-fly zone.

Mr. ABERCROMBIE. Mr. Speaker, would the gentleman yield?

All this points up to the fact that this is ideologically driven. This has nothing to do with those facts. This is ideologically driven by people who are generally termed neoconservative. I am the conservative here. And my colleague should be the conservative here. He is conservative. It is the conservative position not to get trapped in these foreign conflicts, not to go off charging around the world to try and do these things.

The ideology behind this is that Iraq was the key to being able to move into Syria, being able to move into Iran, that this is somehow a defense of the Likud version of what is in Israel's interest. The so-called neoconservatives that are behind this ideological thrust have wanted this war for years. It is not hidden. It is not a conspiracy. It is not some kind of subterfuge. It is an announced policy and possession philosophically they have had for years.

The sad part is after Mr. Bush became President, was appointed President, they came into the forefront in terms of their appointments in the Defense Department where they were able to bring their philosophy forward. That is what is driving this. That is what the President has to face up to. This is where his difficulty is.

Mr. DELAHUNT. Mr. Speaker, I know we have very limited time left. But I think before we go we should wish a happy birthday to our friend and colleague from Indiana (Mr. BURTON), because it is his 45th birthday today, is that correct?

Mr. BURTON of Indiana. 29.

Mr. DELAHUNT. 29th birthday today, I think this has been a very good discussion. We really do welcome this conversation with my colleague. He knows we have respect.

Mr. BURTON of Indiana. Mr. Speaker, I hope we have more of these.

Mr. DELAHUNT. I hope we do, too. I would issue a challenge to my friend because he and I have traveled together and it is an experience, and it is a very positive experience, but there are people that are in the custody of the executive branch, those so-called senior intelligence Iraqi agents, that continually deny any knowledge whatsoever of Iraq or meeting the gentleman that allegedly met with Mohammed Atta in Prague in the Czech Republic, is in our custody.

Let us challenge together the executive branch and my colleague, myself, and anyone else who wishes to join us, go together and exercise the oversight responsibility and function of this Congress and interview Mr. Al-Ani and make that decision ourselves and come back and report to the American people.

IRAQ

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks related to this special order.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, let me just pick up where we left off in this last hour. And I appreciate the discussion with my colleagues. And if we have the time, I will be happy to yield to them. It seems like we probably will have the time.

There is no question, none at all, that al-Qaeda and the Saddam Hussein regime and people connected with that have met on numerous occasions. There is no question that in May of 2002, Zarqawi, one of the top lieutenants the senior al-Qaeda with bin Laden was in Baghdad for medical treatment. And Uday Hussein provided that. There have been numerous occasions that they have been together.

Now, the question was Osama bin Laden went to Saudi Arabia and he said we have got to get rid of this guy up there, Saddam Hussein, because he does not follow the hard-core Muslim line. The fact is Winston Churchill, and I hate to go back in history, but he decided to work with Joe Stalin, a communist tyrant who killed 50 million of his own countrymen. They asked Churchill, ''Why in the world are you working with Stalin?'' He said, ''I would go to bed with the devil in order to beat Adolph Hitler.''

Osama bin Laden calls us the big devil and I believe Osama bin Laden was willing to work with Saddam Hussein, who is one of the powerhouses in the Middle East, to do everything he could to destroy Western civilization and the United States.

Now, we do not know what went on in all these meetings. But we do know that Osama bin Laden and his minions did talk to and work with Saddam Hussein's people.

Now, do you err on the side of safety or do you not? We knew that Saddam Hussein had weapons of mass destruction. He killed thousands, tens of thousands of Kurds with mustard gas. We found weapons just recently that had sarin gas in them. Just recently our troops found those. He had a nuclear facility that was bombed by the Israelis in 1981. So he was trying to develop a nuclear facility.

Now, for anybody to believe that he just threw that stuff out of the window when he hates the West so much and he was negotiating and talking with Osama bin Laden and al-Qaeda, I think they are just blowing smoke. Now, the President said we have got to go after the terrorists. He did not go after Saddam Hussein first, he went after the Taliban that we knew was working with Osama bin Laden in Afghanistan. And he did a pretty good job of it.

And then he said there is the threat of weapons of mass destruction, they have been used in the past. He had intelligence information that indicated there were weapons of mass destruction and he decided to go after Saddam Hussein. And all of us in this chamber when he did it said that is the right thing to do.

Now, of course, everybody is second guessing.

I think it is important to go back in history a little bit because history is very important, very important. In the 1990s Osama bin Laden in the Sudan had 13 terrorists training camps around Khartoum. Our intelligence agencies talked about that. The President and the NSC knew about that. And at that time, we had an attack on the World Trade Center because Osama bin Laden's minions tried to bring it down. That was in 1993. In 1996, we had the attack that killed a lot of Americans in Khobar Towers. In 1998, we had the attack on the embassies in Athens, Nairobi, Kenya and Dar es Salaam and Tanzania, all of those in 1998 by al-Qaeda connections. And then in 2000, we had the attack that killed a lot of our sailors on the USS *Cole*. We knew that Saddam Hussein was behind that. We knew he was in the Sudan. We knew there were 13 terrorist training camps and the previous administration did nothing.

Now we go to September 11, 2001. And the President had an attack on the World Trade Center, against a second one. We did not do anything about the first one. We did not go after Osama bin Laden then but we waited. Then they brought down the World Trade Center, both towers.

And the President said we are going after the terrorists worldwide, no matter where they are hiding. We are going after them if they are in the Sudan. We are going after them if they are in Afghanistan. We are going after them under every rock they are hiding. And we are going to do it also in Iraq because we believe Saddam Hussein is working with al-Qaeda. He had connections with al-Qaeda. His son worked with al-Qaeda.

And they had weapons of mass destruction because we knew they had used them before and the President was told by intelligence agencies that they were there. Quite frankly, I still believe there were weapons of mass destruction. It is the size of California. And I believe that we will find more. And many of them may have been sent to Syria. Everybody is concerned about that because Syria is a very close ally and was of Saddam Hussein.

But the fact of the matter is do you err on the side of safety? Do you go after the terrorists before they attack or do you wait until they attack and say oh, we need probable cause.

When we passed the PATRIOT Act, this is a side issue, we had a lot of colleagues from the other side of the aisle say oh, my gosh, what about civil rights? What about Constitutional rights? The problem is when one is in a world war against terrorists, one cannot wait until they blow something up and kill 10 or 15,000 people or more. One tries to preempt them.

The PATRIOT Act allowed us to hold people while we investigated whether or not they were going to perpetrate a terrorist attack. If we did that, we might head it off. That is why we created Homeland Security, which my committee wrote a great deal of it, and I think the gentleman, I do not know if

he worked on that or not, but we worked on that with the Senate.

But the fact of the matter is this President did not go off half-cocked. He declared war on terrorism. He is continuing that. President Bush is doing a good job.

And I love my colleague from Massachusetts, we have a great deal of fun together. I love my friend from Hawaii.

□ 2115

The fact of the matter is we are trying to politicize something at this time that should not be politicized. We are fighting a war against terrorism. The President is doing the right thing; and this Nation needs to stand behind him, instead of nitpicking and going back and saying this should have been done or that should have been.

If we had this kind of nitpicking prior to the invasion of Normandy, I believe that the media and everybody would have said, oh, my gosh, that is a terrible thing to do; the waves may be too high. They would have alerted Hitler, and we may all be speaking German today.

The fact of the matter is, President Bush, in my opinion, and my colleagues may differ, I think he has been very prudent. He has done things that he thinks that are necessary to protect the American people.

I love my colleagues, I really do; and I do want some Macadamia nuts.

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

Mr. BURTON of Indiana. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Indiana (Mr. BURTON) very much for yielding.

All of this would be well and good except that it is not working. I know my colleague did not intend to do this hour, and I will not use his time or his colleagues' time but merely to say, and perhaps we can carry this on at greater length, maybe even tomorrow night if it is okay with the gentleman.

I do not want to interfere, but just to say on the points that he raised, if this was the right war and the right place, that would be one thing; but it is not nitpicking to say that we are doing the wrong thing in the wrong place at the wrong time and actually undermining our capacity to be able to take on terrorists, and in fact, creating more terrorists as a result of it, with fewer allies.

I do not bring that up to try and dispute my colleague tonight; but merely to say I think there is an alternative point of view that is worthy of discussion, and perhaps we could do that at another time when our colleagues do not have the time for the topic they want to discuss.

Mr. BURTON of Indiana. Mr. Speaker, I will get together and talk with my colleagues.

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

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I would just simply say that I think we are operating on a totally different understanding of the facts. I feel very comfortable with what we have reported here tonight and what others have said.

I think over the course of time the kind of conversations that we are having will elucidate the facts for the American people; but again, every Member in this House is concerned about what is happening to this country. We do not want to make the mistakes of the past, and I am very concerned that we are; but we will leave that for a later time, and I am sure that it will be a feisty and contentious, but friendly, conversation; and I wish my friend a most happy birthday.

Mr. BURTON of Indiana. Mr. Speaker, I thank my friends, and I have great admiration for the silver fox from Massachusetts.

Mr. ABERCROMBIE. Hau oli la hanau, which means happy birthday. Take my word for it, it means what my colleague thinks it does.

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

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Indiana for yielding, and I always find it interesting. Monday morning quarterbacks are always right in their minds because they have a chance to look back on tough decisions that have to be made; but as we know, the war on terrorism is progressing to one of those situations where the lessons of the past are important, because when Americans have been impatient, we have lost; and when we recognize that the war on terror is going to take time, al Qaeda and other terrorist elements are in 65 different countries that we know of, thousands of terrorists were trained in the camps in Afghanistan and Sudan and elsewhere, but we are making progress; and we are holding firm on the war on terror.

Clearly, the war on terror is progressing. It is a tough, hard fight; and our effort in Iraq is a key front in the war on terror.

Just less than 2 short weeks history will be made. Today, Saddam Hussein is in jail and an international coalition led by the United States and our 31-country allied coalition will hand over authority over Iraq to a sovereign Iraqi government. Let us review what is going on; and frankly, here is the bottom line.

The goal of the 31-country international coalition, which the United States is part of, has the bottom line goal that Iraq will govern its own internal affairs. The Iraqi interim government will run the day-to-day operations of Iraq's government and ministries. The Iraqi interim government will increase security and prepare the country for national democratic elections.

The President has a five-point plan that is now being implemented and has been implemented over the last several months as we worked not only to win the war on terrorism but to put in place a stable, democratically elected government in Iraq.

The President's five-point plan calls for handing over authority to a sovereign Iraqi government that should be achieved in just 2 short weeks. We want to establish the stability and security in Iraq that democracy requires. We want to continue rebuilding Iraq's infrastructure. We want to continue to build international support beyond the 31 nations already involved, and we want to move towards free national elections that will bring forward new leaders empowered by the Iraqi people themselves.

The past few weeks have proved that the President's Iraqi plan is moving forward; it is working. The international community is coming together to help Iraqis secure their own future.

On June 8, the U.N. Security Council unanimously adopted a resolution which supports free elections and reauthorizes a multinational force to help provide security in Iraq. The international community is now on the record. The coalition will continue to help in every way possible on the economic front, the security front and the political front; and the international coalition will continue in the process of assisting the Iraqi people and taking responsibility for the future of their country.

I am pleased that as a result of the recent summit, the G–8, that we continue to build that international support. In fact, many of us had the opportunity just less than 2 weeks ago to meet with the new, free Iraqi President when he visited Washington, and it was an impressive meeting with an impressive leader.

Iraq is improving and has already taken big steps to keep Iraq on the path to national elections by January 2005, leading the way to representative government by and of the people of Iraq. That interim government is making progress.

Ninety thousand militia members are being transitioned into new occupations. All six of Haditha Dam generating units recently ran at maximum capacity for the first time since 1990. To date, over 10,000 democracy development activities, program activities, have been held in communities across Iraq involving more than 312,000 Iraqi participants. Today, there are now 55,000 Internet subscribers in Baghdad compared to only 3,000 just 2 years ago. Reconstruction of the Baghdad International Airport is expected to be completed by this August; and primary, intermediate, and secondary students are completing their final exam for the school year with minimal disruption; and I would note when we visit Iraqi schools today, we see young girls attending those schools again. That is progress.

Our international coalition has a clear goal, to see the Iraqi people in

charge of Iraq for the first time. America worked not only to defeat an enemy but to give strength, freedom and opportunity to our friends, the people of Iraq.

Freedom can and will advance and enhance the lives of those living in the greater Middle East, just as it has been successful in Latin America, Eastern Europe, Asia, South America, and Africa. Today, we are fighting a war on terror. We are making progress. It is a tough, hard fight, but al Qaeda and other terrorist groups want to defeat our effort to bring freedom to the Middle East. With our commitment, we will win.

In the next few weeks we are going to be tested by al Qaeda and other international terrorist organizations. We are going to be tested and have violence that is going to be likely. The terrorists and Hussein loyalists would rather see innocent Iraqis die than let them taste freedom. They honestly think that Americans will cut and run, because they have seen that happen in the past. We are going to be tested in this war on terror, and how we conduct ourselves today and in the weeks ahead will determine whether or not we win the war on terror, whether or not we give the people of the Mideast a taste of real freedom.

They will not succeed and the forces of good, the forces of freedom and the international coalition, which is growing, will win if we remain firm and hang together, because, again, we are being tested. My hope is we will hang tough and continue to fight the war on terror because we would all rather fight the terrorists on the streets of Baghdad than here in Washington and in communities in the south suburbs of Chicago.

Mr. Speaker, in closing I am confident through the will of the Iraqi people and the international community President Bush's plan will be implemented successfully. Iraq will have a free and representative government. The terrorist regimes of the past will be defeated and silenced, and we will prevail. That is because I believe, like I know so many other Americans do, the Iraqi people deserve and know better.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) and appreciate that very much.

Mr. GREEN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I watched the debate, discussion that took place in the last hour, as many Americans did; and I could not help but note that lots of questions were raised by our friends on the other side of the aisle. I think the American public needs to be reminded that the vast majority of Members in this body on both sides of the aisle supported the resolution authorizing the use of force. The vast majority of Members on both sides of the aisle supported the supplemental appropriation that continues to support the operations in Iraq, and I think the public needs to ask itself whether debates like the one they just saw are really a serious discussion of policies and principles or whether or not they are more about election-year politics.

Debate is a good thing. We should debate. We should debate often, but I think we also have to remember that the world is watching and our soldiers are watching, and there should be no doubt whatsoever about this Nation's resolve to continue to fight on and to prevail in the war against terrorism.

Mr. Speaker, this is an important time; and even though it is an important time, I think it is useful for us to slow things down a little bit because I think sometimes we can only appreciate the significance of events perhaps after the fact. Sometimes we are too close to events to fully understand how they fit into the larger context, and I think we need to step back for a moment and take a look at where we are right now in Iraq.

I believe that in the months and years ahead, as we take a look at these very important weeks and months that surround the handover of sovereignty to Iraq, I believe that we will look at these as great months and years for this nation. With each passing day, leaders for a new, free Iraq are taking steps forward, just as the terrorists try with their terrible attacks to force these same Iraqi leaders to take steps backward, but I believe that the clarity of hindsight will show us all in the years ahead that the violence and the bloodshed and the senseless destruction that we have seen far too often in that country, that our national media focuses on to the exclusion of all else, it seems is happening not because the coalition efforts are failing or falling short, but instead, because they are succeeding.

They are the result of a growing fear in the terrorist world that decency and democracy will succeed, that they will take hold, that the success will not only inspire more and more Iraqis to embrace self-rule and to invest of themselves in the future of Iraq, but that it will serve as an inspiration to many oppressed peoples in many troubled lands all throughout that region.

Mr. Speaker, it is important to take time to talk about what is going on in Iraq because so much of it is really outside the narrow view of the camera lens. It is important for our soldiers that we tell their story because so many of our brave young men and women have put themselves on the line, have shed sweat, have shed blood for a mission that they believe in, a mission that I also believe in.

Young men and women from all over America have traveled thousands of miles for this cause. One of the units from my own district, the 432nd Civil Affairs Battalion, has as its motto ''Order Out of Chaos.''

□ 2130

Well, that is just what they, the 432nd and the members of the 395th out of Appleton, and countless other units and soldiers from Wisconsin, and all over America, that is just what they are accomplishing. Some of it I saw myself firsthand when I was in Iraq late last year.

The most recent good news, the good news that you may not have seen, is that President Bush has outlined a clear 5-step plan for Iraqi sovereignty and its implementation is already underway. On June 8, the U.N. Security Council unanimously, unanimously, adopted a resolution supporting free elections in Iraq and reauthorizing the multinational security force. This will provide greater security for Iraqis and for Americans in that country. Already the G–8 has responded favorably, and its members are making new commitments for the long-term rebuilding process.

In Iraq itself, there are key signs that the government and the economy is beginning to mobilize and the economic and civic redevelopment process is underway, the rebuilding is marching on. For example, as my colleague, the previous speaker, has noted, the number of telephone subscribers in Iraq is 45 percent above prewar levels. There are now 55,000 Internet subscribers in Baghdad alone. Less than 2 years ago there were 37,000. Eighty-five percent of Iraqi children have now been immunized. Two hundred forty Iraqi hospitals and 1,200 preventive health care clinics are now operating. Twenty-five hundred schools have been rehabilitated, with another 1,200 to be rehabilitated by year's end. Hundreds of free, local government units have been launched and are up and running.

Now, I cite these numbers, Mr. Speaker, not to gloss over the challenges but, instead, because I am afraid too many of us are guilty of glossing over the successes. These successes have been paid for with the lives of too many Americans. They have been paid for with the lives of countless Iraqis, people who believe in the future, people who are willing to put themselves on the line.

Now, June 30th is not a switch we can simply turn on and have security and prosperity and perfect democracy, but it marks one more step down a clear path from which, for Iraqis, the future will be much brighter. Mr. Speaker, there are challenging times ahead of us, there are dangerous and dark days that we will see all too often. But, clearly, clearly there are good things happening in Iraq. Clearly, many people believe in the future. They have put themselves on the line. And that future is happening quickly and more brightly, I think, than many people expected could possibly occur.

So, Mr. Speaker, debate is a good thing. We should talk about what is going on in Iraq, and we should question our leaders. That is important. But I think we must not let that crowd

out what is going on, what is positive, the bright future that lies ahead, the hope that so many of us have. And, more importantly, the clear plan that we are following and that we are proceeding along each and every day; a plan that will bring democracy and decency to that country, a plan that will bring a brighter future to that entire region, a plan that so many Americans have fought for, a plan that all of us can be very, very proud of.

I yield back to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. GREEN) for his very eloquent statement.

Mr. Speaker, I now yield to my good friend, one of the senior members of the Committee on International Relations, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank my colleague for the leadership he is providing on this very important, I would say, issue, but it is not an issue, it is the question of the day, the question of our time. Will the people of the United States stand tall in this time of crisis? Will we meet our responsibility? Will we overcome those who hate our way of life? Will we remain the last best hope for all of humankind for a better world.

Let us look back and make sure we understand it. The American people have a heavy responsibility, because we do represent every race and every religion. We are a mixture of all the people of the world who have come here to live in freedom and show the world that there is a better way.

That is why groups like the Nazis and the Japanese Imperialists back in the last century knew they had to deal with us. We were attacked at Pearl Harbor because the Japanese knew that we were the only thing that stood in their way to the domination of Asia. The Nazis knew we were the only thing that was going to thwart them from creating a black evil empire over Europe, and much of Asia. Americans of that day stood tall and strong and did what was necessary to make sure that we saved the world from that evil threat.

After the war, after that war, when our fathers and mothers, my father in particular, and I know the fathers of many of the people here in Congress today, fought so hard and risked so much, and saw their loved ones lose their lives, they thought they deserved a break. Instead, what we saw was the rise of another menace, another evil force that would have conquered the world, would have turned the world into a Marxist-Leninist dictatorship, the proletariat. They would have imposed on all of humankind their dream, their proletarian dictatorship, and they would have snuffed out the freedom our people had just fought so hard to maintain.

Yet, during those days of the Cold War, Americans stood firm. And it was difficult to stand firm during the Cold War. In Vietnam and in Korea, we lost well over 100,000 people, together in those two conflicts, not to mention hundreds of thousands who were wounded, but it was also a matter of hundreds of small conflicts that were going on. Yet our people stood firm. It was difficult, but we had the leadership that we needed there at the end.

We just heard last week how Ronald Reagan saved the world from communism. But do not think that that was done without a great cost to him personally. There was no bipartisanship that I saw that helped end the Cold War. Ronald Reagan was ridiculed, he was undermined, he was backbitten, and there was partisan politics played throughout his administration. Because no one predicted that the Cold War would be over and that our enemy would collapse. But Ronald Reagan stuck to his guns. He was tenacious, he was unrelenting, he was strong, he stood for principle, and he reached out to those other people in the world and put them on our side of the battles against communism.

Well, today, we know that communism, yes, collapsed and we thought we were due for a break. There will never be a break for those people who are the champions of liberty and freedom and justice, because there will be evil forces in the future. We face another one today. It is not terror. People say the war on terror. They are trying to be a little bit diplomatic. It is a war with radical Islam which has declared war on the American way of life.

Radical Islam believes that we are a sinful group of people because we permit people the freedom to make decisions on their own lives. Radical Islam would make chattel out of our women, out of women everywhere. Radical Islam does not believe in those things that we hold dear in terms of personal freedom. And radical Islam has declared war on us. And let us not make a mistake about it, 3,000 of our people are dead today in those towers in New York and here in the Pentagon because we did not recognize that they were at war with us.

Well, we have recognized that, and there is no escaping it. Today, we have the same challenge as our forefathers and mothers did in the war against the Nazis and the Japanese Imperialists, and as we did in the Cold War against the Communists. We have to win this fight or it will be a far worse world. It will be a dark world of chaos and despotism and fanaticism if we do not. Nowhere is that battle more important today than what is going on in Iraq.

I say, thank God that we have a President who was willing to take this stand. What we are seeing in Iraq is an historic strategic move to outflank the radical Islamists. We are turning a dictatorship in the Muslim world into a democracy. And we are, thus, pointing to this so that the young people of the Muslim world will have an alternative to radical Islam. We are doing what Ronald Reagan did. We are cutting our enemy off from its source of strength. If we do what is right and we stick to this, our enemy will collapse, just as communism collapsed, just as that other evil force collapsed.

Again, we are having to go through the pangs of partisan politics, the back-biting, the nitpicking, the let us cut and run. The people who ask, why should we risk anything; why are we losing these lives, they know if we would leave Iraq as it is today and the radical Islamists, especially the Iranians, then become a dominant force in Iraq, it would be a disaster for the future, not only of that region but for the people of the United States. We would have a future filled with fear, a future of knowing that the radical Islamic creed would have been gathering strength because we had demonstrated weakness.

No, we have a President who is just as unrelenting as Ronald Reagan. We have a President who is a visionary, who is taking a positive approach, trying to establish a positive alternative to radical Islam. We have a President who has courage and is moving forward, but we also have a generation of young people who understand that strength and courage and commitment is the way to a better world.

Those people who are giving their lives for us in Iraq know they are doing it to build a better world. They deserve solid support from this Congress. We support them because they are risking their lives for us. They are building a better world, just like those people who stormed ashore on D-Day over a half century ago. And just like those young men and women throughout the Cold War, who gave their lives, these are the heroes of our age.

We have a President every bit as important to the future of mankind as was FDR when he provided the political leadership necessary to win the Second World War; and Ronald Reagan, who provided the leadership to help us win the struggle against communist tyranny. And now, with President Bush, he is a man who will not retreat, will not cower, will not turn his back and run. We have a man who has drawn the line in the sand and said we are going to win because the whole world depends on us.

This is what is happening in Iraq. There is no option in terms of defeat. Defeat is not an option. If we walk away, it will only mean further bloodshed and further aggression, and not only terrorism here, but attacks on our friends throughout the world if we would retreat from Iraq today. We should never dream of emboldening our worst enemies. We should, instead, stand tall.

That is what this is about tonight. That is what many of us are committed to here in the House. I hope the American people listen and take a look at the long run, take a look at what happened in the past, take a look at what will happen in the long run unless we

have that same sense of purpose and courage that those who came before us had in these same type of challenges.

We are building the world of tomorrow and it will be a world where we will be friends with the people of the Muslim faith because we will have helped them defeat the radical Muslims who hate our way of life. We will have a world that does have peace between the religions, whether they are Christians, Jews or Muslims, because we will have a world in which we have not permitted the fanatics of one faith, the Islamic faith, to superimpose their will on the rest of the world by force.

We will not be cowards. We will do our duty. And God bless President Bush for the stand that he has made, and God bless the United States of America and those who defend it.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague from California (Mr. ROHRABACHER).

I will now yield to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, being from Detroit, I am often able to watch CBC, and last night I was privileged to watch Albert Finney's performance as Winston Churchill in a movie called ''The Gathering Storm.'' And perhaps it was his finest hour, the former prime minister's. When Hitler was rearming, he stood in front of the House of Commons and warned his own conservative party's government, led by Stanley Baldwin, that Hitler was indeed more than prepared for war; that he was arming to instigate a new one.

Churchill was thought insane at the time, because no one, coming off the horror of the millions killed in World War I, could believe that a European leader would seek to rekindle that tinderbox, certainly not a corporal of the German army who had been blinded by mustard gas in combat. Yet Churchill was proven right.

And when we apply these lessons to our own time, one of the first things we can realize is that sometimes the forest is so menacing, we choose to stare at the tree which shields us, until it is too late.

□ 2145

Our Nation is in a war on terror. In this war on terror, Iraq is a theatre. It is not a war unto itself, any more than FDR's much-maligned, at the time, strike into north Africa was a diversion from the war against Hitler.

What we have seen in our time is the preemption doctrine applied, and what I have not heard anyone say is that the pillar upon which this administration entered into the Iraqi theatre in the war on terror did not achieve its result. Saddam Hussein desired weapons of mass destruction. Saddam Hussein had contacts without apparent collaboration, but contacts nonetheless, with terrorist groups and was, in fact, shielding terrorists like Abu Nidal in Baghdad.

Since the United States engaged in hostilities against Iraq, we can be sure of two things, the Saddam Hussein regime will never have weapons of mass destruction that can be used against the United States or its troops in the field, and the Saddam Hussein regime will never again have any contacts with any terrorist groups.

In some polls that are cited, we hear about people believing the link between al Qaeda and September 11; but one of the polls that I saw that was interesting was that about 70 percent of the American people realized that Saddam Hussein was a terrorist, and in the war on terror the states which sponsor terrorism are as much our enemies by enabling the terrorists, as the terrorists are our enemies themselves, for terrorist cells cannot exist without state sponsorship, without state succor.

Now, put yourself in President Bush's position at the time post-September 11. You have seen reports from the past administration up through his present administration detailing contacts, ''shadowy with terrorists,'' including bin Laden. You know that Saddam Hussein wants to engage a weapons of mass destruction program for their acquisition, and you say to yourself, what am I going to do?

The President of the United States in applying the preemption doctrine made sure, again, that two things would not happen: the Saddam Hussein regime would not have weapons of mass destruction, ever, and that they would no longer be able to even be considered for succor as a terrorist haven.

Now, there were some important points brought up in the earlier debate, and I would be more than happy to come back tomorrow or at any time to assist to talk about some of those points with our colleagues on the other side of the aisle; but I find it fascinating some of the points.

Now, we are splitting hairs when we say that the contact between Iraq and al Qaeda in hindsight may not have appeared to have formed a collaboration. Yet, we cannot say whether they would or not. Now, to try to destroy that link or denigrate that link, we will hear that these contacts were meetings, but Iraq never responded.

Now, all of us here in the U.S. House have to get elected. Now, as politicians, put yourselves in an interesting position. Consider this: you are sitting around getting ready to run for re-election. An opponent you have defeated in the past is having coffee on a regular basis with the opponent running against you now. Do you say to yourself, well, I am sure they are just having pleasantries and this has absolutely nothing to do with me, and that while they be having contact, there is apparently no collaboration that they are out to get me? I highly doubt many of the people in this room would ascribe to the latter theory. If Saddam Hussein could, he would do anything to hurt the United States.

Now, why would bin Laden and his associates that are in captivity deny any link with al Qaeda? Al Qaeda's premise, on a perverted facade of Islam, is to work with the secular Ba'athist regime under Saddam Hussein, but undermine its very credibility as it goes after Saudi Arabia and other regimes in that region.

Now, the ones in captivity like al-Anni that were referenced before, I would just caution everyone, do not take a terrorist at their word unless they say they are going to kill you, because whether in captivity or not, there is no incentive to prove any member of the United States' present administration was correct, and there is certainly no impetus for these people to undermine the very position, belie the very myth of al Qaeda as an Islamic group trying to liberate its people and lead them to a greater life in Islam. So I would caution against that.

I also would like to just reiterate something that I think is very troubling to me, that we hear many people saying that our ability to preemptively deal with the situation in Iraq has somehow hurt us internationally. I suppose there will always be those people who believe that when the United States has to defend itself that we will be hurting ourselves. This is mistaken.

In fact, many of these same people never credit the good will of the acts of the United States in the immunization of Iraqi children or the education of Iraqi children or the free speech and association that is occurring in Iraq today. I would argue that over the long term, these benefits to the United States are going to outweigh any short-term anger that the terrorist organizations may feel, because we are striking a blow at them in the heart of the terrorist network.

I also have not heard about how the regime change and reconstruction nexus that has been applied in Iraq has also led to the regime conversion and potential rehabilitation of the Libyan regime, which also not only in that regard shows what strength and resolve have done in Iraq.

I think that one of the things that has been missed when Qadhafi admitted he has a weapons program, he invited weapons inspectors in, who were then led to the labs or testing facilities of the Libyan Government. Some of the inspectors pointed out that they would never have found these unless they were shown. Dr. Kay, who I have much respect for, when I met with him in Baghdad did not say that we had weapons of mass destruction, to his credit. But he did say that Saddam Hussein and his regime were actively engaging in re-energizing to try to acquire them, especially chemical and biological, which could have been generated in 2 weeks to 2 months.

If we had trouble finding extant technologies for weapons production in Libya, even with the Libyans' assistance, it should come as no surprise that in Iraq we are having extreme difficulty finding not only the weapons of mass destruction, if they exist themselves, but the labs or the scientists

who were trying to accumulate them, because, as Dr. Kay pointed out, the trouble we have in Iraq is that many of the scientists whom we would go to to try to find this information are being killed or are frightened.

I eagerly await to see what the fruits of security once it is firmly established in Iraq will yield to us in terms of intelligence regarding the weapons program and its state; and if there were any weapons, where did they go once the scientists and others in the community that participated in these programs feel that they are free of the threat of assassination or other reprisals to themselves or their family for sharing this information with the United States of America.

In conclusion, I would like to add just one personal point. I will not condemn the Clinton administration for what it did not do prior to September 11, but I would hope that others would be slow to condemn the Bush administration for what it has done since September 11 in defending the interests of the United States. In many ways, I do understand what occurred under the Clinton administration. While I was not one who was swayed at the time, when we defeated European Communism, we saw books from left and right proclaiming to the United States that the end of history was here, that we had peace dividends, that our future was bright, that we could go on to the task of perfecting the American experiment in democracy by addressing internal problems, such as education, race relations, poverty, hunger, injustice; and on September 11 that was taken from us.

What was foisted upon us was an unsought struggle against extremists perverting the tenets of Islam. Our generation and all the generations have to face the fact that once again we are called to our historic duty to defend freedom and civilization from every would-be tyrant bent upon world domination. On September 11, we went from sorrow to anger. But it is fair for us to also feel frustration that a country as great as ours, that has offered the world so much, could be so lowly stricken and have to deal with this type of aggressor yet again. It is unfair, but it is here.

As I said at the beginning, it is a menacing forest; but the trees will not shield us from the truth any longer, and we must accept the fate that we now share and succeed and continue with our resolve in the overarching war on terror to do one thing: it is to kill the terrorists before they kill us, to kill the terrorists before they kill our children; and it is to win the war on terror in our lifetimes.

Mr. BURTON of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman from Indiana for yielding. I will also extend happy birthday to the gentleman from Indiana and thank him for putting together this hour this evening. I think this is extremely helpful.

I, too, listened to the first hour of the debate from the other side, and I will not repeat everything that has been said here so eloquently tonight by the gentleman from California (Mr. ROHRABACHER), the gentleman from Indiana (Mr. BURTON), and the gentleman from Michigan (Mr. MCCOTTER); but I want to go to one word that was spoken on the other side and that word was ''misrepresentation,'' and it was used in the context of the Kay report.

This is an unclassified document. In fact, it is Mr. Kay's testimony before the Senate select committee last October. In that report, Mr. Kay says that Iraq's weapons of mass destruction programs spanned more than 2 decades, involved thousands of people, billions of dollars, and were elaborately shielded by security and deception operations that continued even beyond the end of Operation Iraqi Freedom.

Mr. Kay went on to say, we have discovered dozens of weapons-related program activities and significant amounts of equipment that Iraq has concealed from the United Nations during inspections. A list of these included a clandestine network of laboratories and safe houses within the Iraqi Intelligence Service that contained equipment subject to U.N. monitoring and suitable for conducting chemical and biological weapons research; a prison laboratory complex used in human testing of biological agents; reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons; new research on biological weapon applicable agents, Brucella and Congo Crimean Hemorrhagic Fever.

This is a viral illness that is very similar to the e-bola virus. We heard a lot of discussion last year about the smallpox virus, and truly smallpox is a frightening chemical agent because it is so infective. This organism is not only infective but its early detection can be easily confused with other illnesses such as the flu. People put into our midst who are suffering from smallpox would actually quickly become apparent because they look sick and they are covered with sores. Individuals with Congo Crimean Hemorrhagic Fever would look for all the world like someone suffering from a summer cold and could work a good deal of mischief in this country by infecting individuals going about their business.

In addition, they found documents and equipment hidden in scientists' homes that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation and a line of unmanned aerial vehicles not fully declared at an undeclared production facility.

Most people do not consider a missile a weapon of mass destruction, but when that missile has a range of 1,000 kilometers, and Iraq was expressly prohibited from having missiles beyond 150 kilometers, depending upon what you put in the warhead of that missile, that, Mr. Speaker, is a weapon of mass destruction and found by the Kay Iraqi survey group.

Finally, I will just sum up, as Dr. Kay himself did, deception and concealment were the watchwords of the Iraqi Government. You do not have those as your national priorities unless you have something to hide. Saddam, at least as judged by those scientists and other insiders who worked in his military-industrial programs, had not given up his aspirations and intentions to continue to acquire weapons of mass destruction.

Another term that we heard over on the other side was whether or not Saddam was involved in September 11. I do not know the answer to that question; but so much was stated as fact from the 9/11 Commission, the commission that is studying the events around 9/11. In today's Washington Times, and anyone is free to pick this up, it only costs a quarter, and read it for themselves: ''Iraqi Officer an Al Qaeda Operative, Papers Show.''

''There is at least one officer of Saddam's Fedayeen, a lieutenant colonel, who was a very prominent member of al Qaeda,'' said September 11 commission member and former Navy Secretary John Lehman. Although he stressed that the intelligence ''still has to be confirmed,'' Mr. Lehman told NBC's ''Meet the Press'' on Sunday that the information came from ''captured documents'' shown to the panel after the September 11 Commission's staff report had been written.

What we heard quoted tonight was from that staff report; so I would just tell the American people, Mr. Speaker, that the final word has not been written from the 9/11 Commission, and I would caution people about coming to conclusions based on data that is incomplete.

Mr. Speaker, I know that time is somewhat at a premium, so I will wrap up; but President Clinton said in 1998 that Saddam had weapons of mass destruction, he had used them in the past and someday, some way, if you don't take them away from him, I guarantee you he will use them again.

□ 2200

Mr. Speaker, I have been to Iraq a couple of times, and this is not a picture that I took, but this picture was taken by a member of the Corps of Engineers down in my district, Mr. Doug Cox, who was in the town of Kirkuk, Iraq right after Operation Iraqi Freedom started, and actually he was with one of the forward groups. And this picture was on the wall of the airport there in Kirkuk, the military training base, and this picture was in a room where apparently there was some sort of training facility. There were a lot of pictures on the wall, and we one might relate it to some type of training facility we might have seen in this country, but these pictures were obviously used

for a purpose in training Iraqi military individuals.

If people cannot see it well on C–SPAN, let me just describe it. It shows an individual here, who has a tank and an airplane and a couple of missiles at his disposal, and he is aiming them at a country, the United States of America, or the USA, as is abbreviated there, and we see an individual standing there in a cowboy hat or a Pilgrim hat, and we see the crosshairs on this individual's chest. It does not take a great deal of imagination to guess what was being taught in that training exercise in this military installation in Kirkuk, Iraq.

And, finally, the gentleman from Indiana (Mr. BURTON) did such an eloquent job of talking about the times in the past that Saddam Hussein had used chemical weapons against his own people, and this was the true threat of Saddam Hussein. Yes, there are other countries that had perhaps helped terrorists in the past. Saddam Hussein was the only world leader who had ever used weapons of mass destruction in an offensive fashion, and that is what made him so dangerous. We have the proof from, as the gentleman pointed out, northern Iraq.

We also have the proof from our poor individuals, our poor soldiers in the first Gulf War who suffered from Gulf War Syndrome, and Gulf War Syndrome was a result of neurologic chemical agents. Individuals who were susceptible, who had a specific enzyme defect, who were exposed to low levels of those neurologic agents, then became susceptible to Gulf War Syndrome.

So it is not a point for discussion that Saddam had weapons of mass destruction. He clearly did. He used them offensively, and he clearly had designs on using them again.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague from Texas for that very comprehensive talk.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Indiana for yielding to me.

There are some, both at home and abroad, who would have us believe that Abu Ghraib is the true face of this war, that the acts of a few troubled individuals represent our cause. I believe there is a dramatically different face, and I would like to describe it to the Members.

In a recent news story, Lt. Riley Sharon, an Army emergency room charge nurse from St. Cloud, Minnesota, a city I am proud to represent, and a fellow alumnus from St. John's University, tells of incidents at the Abu Ghraib prison when it came under attack from mortars fired by insurgents, killing scores of prisoners and wounding hundreds of detainees.

In one 4-hour period, insurgents killed 22 detainees and Lt. Sharbonno's group treated over 100 enemy detainee patients. At the time Sharbonno and his fellow soldiers were fighting to save the lives of those who might have gladly taken theirs, they were under such heavy fire, they had to wear a Kevlar helmet and a bullet-proof vest.

As Lt. Sharbonno said, ''I am unaware of any military in the history of war that has built an entire hospital for the exclusive treatment of enemy detainees or POWs. I don't understand the media's insistence on ignoring the atrocities committed by anti-coalition forces or the amazing things that the military has accomplished over here.''

The brave work of the likes of Lt. Sharbonno is the real face of this war. This is the courage, compassion, and humanity of the American soldiers who fight for us all in this war on terror. Too little attention has been paid to their noble work and sacrifices. Too little attention has also been paid to recent successes in moving Iraq towards a democratic form of government.

The Iraqi Governing Council has shown some real initiative recently. They selected a president America supposedly did not want and a prime minister the UN did not want. But by showing independence, they now have more credibility amongst Iraqis and the international community. The Security Council approved of a new government by a unanimous 15-to-nothing vote. The new interim government got to work early, integrated the many independent militias so that they are now part of the solution, not a potential problem, and reorganized Iraqi security forces. Al Sadr is now trying to be a political force rather than a leader of a rebellious militia.

There is no doubt that there will be further bumps in the road on the way to an elected government, but there can also be no doubt that significant progress has been made.

And then we look at the actions of our enemies. If there is any remaining doubt that this is truly a war between good and evil, it should be gone. One can have no doubt at the depths of the enemies will or hatred when we are forced to confront the atrocities committed against Nick Berg and Paul Johnson.

The insurgents attack oil pipelines, a source of hope for the Iraqi people. What is the point in this? Since the liberation of Iraq, the wealth of her natural resources is hers again. An Iraqi-led Oil Ministry controls the pipeline with revenues going to the Iraqi treasury. Iraqi officials disburse the profits for the benefit of Iraqis.

With the fall of the dictator's regime, the money no longer goes to encourage hopeless and desperate Palestinian use to kill themselves while they murder innocent. The revenues no longer subsidize a megalomaniac's architectural fantasies in the form of grandiose palaces. It no longer subsidizes the sadistic whims of the dictator's sons.

The revenue from Iraqi oil are a chance for the Iraqi people to use their own natural resources to educate Iraqi children, to build an Iraqi health care system, an infrastructure, and a strong Iraqi economy.

Mr. Speaker, the important question we should ask ourselves is why are the terrorists so desperate? Why are they willing to commit so many inhumane acts not just against Americans, but against the Iraqi people as well? The terrorist leader Zarqawi's memo to Al Qaeda's leader, Osama bin Laden, in that we find the explanation for their desperation.

When pleading for bin Laden's assistance in the Iraqi insurgency, Zarqawi makes clear that his insurgency has failed to engender support within the country. Zarqawi also acknowledges that they have been unable to scare Americans into leaving, having been disabused of the idea that he had earlier professed that Americans were ''the biggest cowards that God has created.'' We have certainly proved him wrong. He believes that the insurgents might be able to win if they are able to kill enough Shiites so that the Shiites will attack the Sunni minority, that by creating such turmoil, there will be a civil war. They clearly understand what is at stake, the terrorists do. I hope we do.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for that eloquent statement.

Let me say that the gentleman from California (Mr. ROHRABACHER) will be going into detail in just a few minutes about the reasons why 9–11 occurred.

And let me say one more thing, Mr. Speaker, and that is if we had had foresight that Winston Churchill had prior to World War II, we would have saved 50 million lives. President Bush has that foresight, and he is doing the right thing right now.

Ms. ROS-LEHTINEN. Mr. Speaker, on June 30th, Iraq will assume control of its own destiny. Iraq will enter the post-Saddam era with the hope of the world resting upon them. No longer will the Iraqi people be subjected to a climate of fear and desperation. Saddam's murderous, thieving cronies have been removed. Uday and Qusay's henchmen likewise, will no longer be free to roam the streets, terrorizing their people.

The challenge now for the Iraqi people and their new government is to set their future on a course for open thought, popular choice of their leaders, and freedom of action in which to conduct their lives and their futures.

The Iraqi people must understand that, with this new-found freedom comes responsibility—a responsibility to remember the interests of all Iraqis. Each and every Iraqi has a stake in that nation's future and now with our transfer of sovereignty to them, that stake can be fully realized.

We are thrilled to have played a role in empowering the Iraqi people and supporting them in their efforts to rebuild their country, after decades of corruption and oppression. They have the opportunity to make their nation a shining light for all to see, not only in the Middle East, but around the world. A nation filled with talent beyond imagination, Iraq can create a climate of freedom and opportunity for others to emulate.

Problems have arisen. Yet, we must all acknowledge that this opportunity could not have

happened without the brave men and women of the United States military. Through their courage, commitment and sacrifice, we have managed to free an enslaved people. We have brought down a tyrant who killed as many as one million of his own people.

And thus, history will record that the United States brought a beacon of light and hope to a people who had only known misery, suffering, and brutality under Saddam Hussein. The future will judge us to have done right for the Iraqi people and for our nation.

We are, however, not naive about the challenges that lie ahead. Freedom and democracy take time and hard work. They take vigilance and dedication to truth and a commitment to justice. These are things that come with patience. The terrorists want to deprive the Iraqi people of their future. But Iraq can and will prevail.

Iraq's chance is now. Let us stand by the Iraqi people as they struggle to enjoy those rights and liberties that they denied for so long. Let us be motivated by the knowledge that we have helped make the world a better place for the Iraqi people and for all.

As our beloved former President, Ronald Wilson Reagan, would say: "You and I have a rendezvous with destiny . . . If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done."

Mr. SMITH of New Jersey. Mr. Speaker, ten days from today, on Wednesday, June 30, 2004, a historic day will occur in the cradle of civilization: the Coalition Provisional Authority (CPA) will formally transfer power and sovereignty to an Iraqi Interim Government (IIG). We are ten days to sovereignty.

This step will be the most dramatic to date in a series of planned moves towards more democratic and representative government in Iraq. Since the elimination of the brutal Hussein regime, which terrorized and abused the Iraqi people for decades, significant changes have taken place, helping to put the country on a path to democracy, respect for human rights and economic prosperity.

About 33,000 secondary school teachers and 3,000 supervisors have been trained as part of an effort to upgrade the quality of education and level of learning in Iraq. Nearly 2,000 schools have been rehabilitated and an additional 1,200 schools are expected to be completed by the end of the year. New textbooks are also being developed and utilized. No more government mandates for indoctrinating, inciting hatred or demonizing Americans, the West, or Jewish people through the use of school books.

Last month, the first of several planned sewer treatment plants came online, ushering in a new era of sanitation and public health in an area rife with disease. On the technology side, the total number of telephone subscribers in Iraq is now over 1.2 million, which includes 429,000 cell phone subscribers—representing a 45% improvement above pre-war levels.

And, Iraqis want to be the business leaders in their new country. Already, 2,500 microcredit clients have applied and received small business loans to help them build a free economy with robust industry. It is important to note that inflation is dropping, and the New Iraqi Dinar has been stable for the three months since its introduction.

This progress has not come without great cost and sacrifice. Thousands of American families have lost irreplaceable time with their loved ones as they serve the cause of freedom in Iraq. Some American heroes have not and will not return home. We mourn their loss. For those who served, a grateful Nation must ensure those returning get world class healthcare and the compensation to which they are entitled.

After June 30th, other milestones will be marked. Democratically held elections will be conducted in January 2005 to create a National Assembly. This representative body will craft a permanent constitution to strengthen and replace the transitional administrative law (TAL). The Iraqi people will then vote up or down in a national referendum for or against their own constitution. By the end of 2005, if all goes according to plan, the first democratically elected Iraqi government in history will take office.

President Bush put it very succinctly during his speech before the Army War College, when he said: "The rise of a free and self-governing Iraq will deny terrorists a base of operation, discredit their narrow ideology, and give momentum to reformers across the region. This will be a decisive blow to terrorism at the heart of its power, and a victory for the security of America and the civilized world."

The people in Iraq—like people everywhere—want to live free. And among the many reasons why democracy has a chance to succeed in Iraq—although success is not assured—is because the United States is not in Iraq as an imperial power. We do not seek to permanently occupy Iraq. Far from it. Our mission is clear: to liberate Iraq from tyranny. Thus, it is absolutely at the heart of America's interests to see Iraq's new sovereign government succeed in establishing law and order in a just and democratic manner.

Iraqis are a justifiably proud people with an ancient and rich history and culture. Like many other people, they are patriotic and do not like to see their country occupied by any foreign power, no matter how ostensibly helpful they try to be. The Germans and Japanese were undoubtedly relieved when the Allies formally returned sovereignty to their people.

Although U.S. troops remained in each country in large numbers for decades, the former Axis nations truly thrived only after it became clear to the great majority of people that they faced a choice: they could either roll up their sleeves and get to work rebuilding their war-torn nation, or they could look backwards and remain in a miserable state.

Today, Iraqis essentially face the same choice. If they keep focused on the task at hand—rebuilding their shattered country's infrastructure and creating jobs—they too can crate an economic boom similar to that experienced by Japan and Germany.

We must not forget that rebuilding Germany, Japan, Italy after World War II was not easy. Democratic traditions take time to set roots. Italy's political system was not stable throughout almost the entirety of the Cold War. Japan essentially had one-party rule until recently. All three nations faced many upheavals and set backs along the way. But like the three defeated Axis powers, Iraq will also have the benefit of extensive international economic and financial assistance in rebuilding.

Unlike an imperial power, when a nation is militarily liberated by the United States, we are willing to put our resources, technologies and willpower to work for democracy.

Our enemies are well aware that the return of real and meaningful sovereignty to Iraqis will undercut one of their chief recruiting justifications—the occupation. That is why we have seen a decrease in terrorist attacks against U.S. and Coalition troops, and more of a focus against foreign contractor personnel and Iraqis involved in their new government.

The terrorists are increasingly targeting new regime officials, police recruiting stations, and personnel involved in development programs. The terrorists and insurgents understand—perhaps better than the U.S. news media—that if the new Interim Iraqi Government headed by Prime Minister Ayad Allawi and President Sheikh Ghazi Al-Yawar succeeds, the terrorists will be defeated.

If Iraqis establish enough basic security to allow for the systematic rebuilding of Iraq's destroyed infrastructure, and commerce and prosperity return to Iraq, the moral swamps from which disaffected young Iraqi men are recruited by insurgents, will dry up. And as democratic traditions and tolerance begin to take root, and the social and economic status of women are uplifted, the appeal of radical misinterpretations of Islam will also diminish.

It is not an accident that Wahabbism and other forms of militant Islam flourish in conditions of chaos, in failed states, in places of misery and suffering, and in communities where women are seen as less than second class citizens. Our task in Iraq is to make sure these conditions never return, and are instead replaced by prosperity, freedom, and tolerance.

When, over time, democracy takes hold in Iraq, other Muslims throughout the region will be able to use the experience of Iraq to refute the arguments of repressive regimes in the Muslim world who justify their corrupt and brutal regimes by saying that there is no other way.

But there is another way. A better way. We need to stick by the side of those brave Iraqis who want to create a free, open and democratic society in Iraq and are willing to risk their lives in order to do it.

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

THE MIDDLE-CLASS SQUEEZE

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 55 minutes, which is half the time that remains from now to midnight.

Mr. PALLONE. Mr. Speaker, I do not intend to use all the time, but I did want to spend my time this evening talking about what has been referred to in recent weeks as "the middle-class squeeze," basically an effort to point out how Republican policies, both at the presidential level and the congressional level, have made it more and more difficult for the middle class in the United States to get through the day or get through the year, despite Republican claims that the economy is getting better, that jobs are being created. The reality is that more and more people find it difficult to make ends meet.

Mr. Speaker, when President Bush took office, he inherited a $236 billion

budget surplus, an economy that had created 22 million jobs over 8 years, and lowered poverty levels to their lowest rate in 20 years. Four years later, today, 8.2 million Americans are looking for work, unemployment is 30 percent higher, 1.9 million private sector jobs and 2.7 million manufacturing jobs have been lost, and the average household income has decreased by almost $1,500.

However, recent statements by the Bush administration and my Republican colleagues in Congress are beginning to paint an increasingly cheery picture about our economy. Every day my Republican colleagues come to the House floor here touting a number of new jobs that are being created each month. They talk about how the stock market is on the rise and how our economy is beginning to rebound.

But despite this sunny economic forecast from the Bush administration, it seems that the American people simply do not agree. Recent polls show that fewer Americans than at the start of the year are willing to say that our economy is improving. In fact, the President's economic approval numbers are at the lowest level of his presidency.

So what is it that the American people know that the Republicans do not seem to know? And the answer is very simple, and that is that rising job numbers tell only part of the economic story. What the Republicans are not telling the American people is that about 90 percent of the new jobs that they are boasting about pay an average hourly wage that is less than the national average. What they are not telling the American people is that those lower-paying jobs are less likely to include health care coverage.

And what they are not telling the American people is that middle-class Americans are being squeezed by Republican policies that have allowed the price of health care, education, and gas to skyrocket and created record deficits. Essentially what they are not telling the American people is that they are paying the price, the middle class is paying the price, of the Bush administration and Republican policies here in the Congress.

When I talk to people in my district in New Jersey, Mr. Speaker, they are not telling me about how great our economy is doing or rejoicing about the number of new jobs being created. When I talk to these residents of my district, they are more likely to tell me about the explosion of health care and education costs. For those who did not lose their jobs during the economic slump, they are more likely to tell me about how they have watched the wages stagnate over the last few years or about how their son or daughter's college tuition keeps going up or that they are having to rely more on credit cards to make ends meet.

Let me talk a little bit, Mr. Speaker, about wages, and again refute some of the comments that are being made by my Republican colleagues on the other side. When Republicans talk about all the new jobs being created, notice that they are not mentioning what kinds of jobs they are creating or how well those jobs are paying. As I mentioned earlier, 90 percent of the new jobs created since August of 2003, I guess about 10 months ago, are in industries that pay an average hourly wage that is less than the national average. About 1.3 million of the jobs created are in service sector industries with an average wage of $15.42 an hour, 40 cents less than the national average, and 195,000 of these jobs are temporary jobs.

Approximately 580,000 of these jobs were in low-paying domestic industries that could not be outsourced, and I use as examples wait staff in restaurants and bars and retail workers, things that cannot be outsourced to other countries. Over 235,000 of the new jobs created since August of last year pay an average hourly wage that is over 40 percent less than the national average, and more than 148,000 pay 20 percent less. And if I could use my home State of New Jersey as an example, Mr. Speaker, the new jobs being created pay $21,551 less than the jobs recently lost in my home State.

Let me talk a little bit about rising health costs because that is one of the issues that my constituents talk about the most, the cost, the rising cost of health care.

□ 2215

These new jobs that the Republicans talk about not only pay less than jobs being lost, they are less likely to have health benefits.

In my home State, using New Jersey again as an example, there has been an 11 percent drop in the number of jobs offering health insurance. Nationwide, 43 million Americans have no health insurance, including 1.19 million in New Jersey; and millions more are underinsured. Underinsured means they may have health care part of the year, but not the whole year.

Mr. Speaker, for those workers that do have health insurance, they are watching their health insurance premiums skyrocket. Health care costs increased by 13.9 percent nationwide last year, the third year in a row of double-digit increases and the largest increase since 1990.

Let us go back to my home State of New Jersey again. In New Jersey, health insurance premiums have increased by 52 percent since the beginning of the Bush administration. Nationally, the increase in family health insurance premiums over the last 3 years has tripled the amount of the tax cut that the Bush administration talks about going to middle-income families over 4 years.

I would like to talk a little bit about rising education costs, because after health care, that is the issue that my constituents talk about the most. So far, we have covered wages and health insurance, but that is only half of it. For those families with a son or daughter in college who have to face these rising education costs, the future does not look good, and in the last 4 years have not looked good.

In my home State of New Jersey, the cost of a college education has increased by 36 percent since the beginning of the Bush administration. Nationwide, tuition has increased 30 percent. Crunched State education budgets means that an estimated 250,000 college-qualified students were shut out of higher education in the fall of 2003 due to rising tuition or cutbacks in admissions and course offerings. These kids were simply shut out. They could not even go to school, primarily because of the cost.

Now, Mr. Speaker, as tuition rises, student loan debt continues to soar. Between 1997 and 2002, the typical undergraduate's debt rose 66 percent, to $18,900; and more than one-quarter of today's 14 million undergraduate students will incur more than $25,000 in debt to earn a degree.

Yet if you listen to my Republican colleagues on the other side, they have introduced legislation blocking student borrowers from locking in low fixed interest rates on their loans. That would mean the typical student borrower would pay an additional $5,500 for their college loans, according to the nonpartisan Congressional Research Service. The same Republican bill raises student loan interest rates. As a result, student borrowers will pay hundreds, even thousands, of dollars more for their loans.

Meanwhile, President Bush has failed to live up to a campaign promise to raise the depressed value of the maximum Pell grant to $5,100. This was a promise he made during the campaign. This is the largest student grant program for low income students. He promised to raise it; but his 2005 budget would raise, instead, taxes on students, again, taking out college loans, forcing them to pay an additional $3.8 billion over the next 10 years. So he is making it more difficult for kids to pay for their college education after he promised that he would basically increase the value of Pell grants.

Now let me talk about an issue that everybody is talking about. Again, I have to say that I hear more about health care costs and education than even gas prices, but obviously rising gas prices are a major issue.

Since the start of the Bush administration, the cost of gas has increased 48 percent, a simple statistic. In recent months, gasoline prices have increased rapidly in my home State. Just last week, the state wide average price of a gallon of regular in New Jersey was $2. Compared to the prices at the beginning of the Bush administration, this represents an increase of 65 cents per gallon, a 48 percent increase.

Last week, the House Republicans scheduled votes on a series of energy proposals they marketed as a response to higher gas prices. But why is it that

none of the Republican bills address the consolidation of oil companies, something the U.S. Government Accounting Office has identified as one of the most significant factors affecting gas prices?

You see, the top 10 oil refiners control 78 percent of our oil supply. That is 22 percent higher than a decade ago. Coincidentally, some of these companies have reported record profits in the first quarter of this year. If Republicans were really concerned about doing something about gas prices, they would have joined me and 52 of my Democratic colleagues in calling last week for an investigation to determine whether gas companies are purposefully inflating prices at the pump.

I believe, Mr. Speaker, that the American people deserve to know if these record profits are a result of a coordinated effort by the oil and gas companies to inflate prices.

Mr. Speaker, I just wanted to say, I think it all comes down to this: Yes, the economy is beginning to create new jobs, but it is creating the wrong kinds of jobs. The jobs that are being created are lower paying and are less likely to offer health insurance. For those people that have health insurance, premiums and health care costs are skyrocketing.

When you combine all that with rising education costs and gas prices, and take into account that the Bush administration and Congress have passed $1 trillion tax cuts that mostly benefit the wealthy and pursued a variety of policies that hurt workers and their families, together, all of these factors answer the question of why the American people are not feeling very positive about our economy.

What Republicans cannot seem to realize is that when they talk about how the economy is improving, the American people know they are only being told half the story.

Mr. Speaker, I am not going to spend the whole time, but I just wanted to go into four issues again, or four areas, where what is characterized, I use the term middle-class squeeze, and I know a number of my colleagues and some of the media commentators are talking about the problem in the same way, the so-called middle-class squeeze. I wanted to talk about four issues again in a little more detail where you can see this squeeze.

One is paychecks; second is education; third is prices at the pump; and, lastly, is the debt burden, which I think ultimately is going to be the biggest problem that we face, not only as a government but also individuals and their households.

I talked a little bit about paychecks and workers feeling the squeeze. Declining real wages are putting the squeeze on middle-class Americans. Meanwhile, tax policies, Republican tax policies, shower huge benefits on the wealthiest 5 percent of taxpayers, and corporate profits have soared.

Middle-class Americans are noticing their paychecks do not stretch as far as they used to; and yet some economists in the Bush administration insist that the economy is recovering, leaving most Americans to wonder what has happened to the better wages that should have come with this so-called recovery. The short answer is that these wages have essentially, Mr. Speaker, gone to corporate profits, to CEO pay and to tax cuts that reward wealth and not work.

In the last 3 months, average wages in the United States increased at an annual rate of just 2.2 percent, and the last two consecutive quarters have seen the slowest wage growth for any 6-month period on record. Meanwhile, over the last 3 months, the inflation rate was 3.9 percent. So if you think about it, that essentially means during the most recent stage of this so-called economic recovery that the Republicans boast about, most American workers actually took a pay cut.

This pay cut has taken place amid continued gains in worker productivity. So the workers are being more productive. The amount that the workers produce in an hour, obviously, is productivity. If middle-class workers are performing so well and if their hard work is paying off and making the economy grow, then why are their wages falling?

Middle-class Americans are getting squeezed by their employers and by government policies. Since March of 2001, corporate profits skyrocketed by 57.5 percent, while wages and salaries decreased by 1.7 percent. American companies raked in an enviable $1 trillion in profit in the last 3 months of 2003 alone; but even while profits soared, companies froze pay. Now, they were not freezing the pay for the top executives; they were freezing it for the little guy, for the middle-class worker.

Again, these are the Republican policies. We have a Republican President; Republicans are in the majority in both Houses of Congress.

What is essentially happening is the Republican policies are making matters worse, shifting the tax burden from wealth to work; taxes on wages now average almost 24 percent; taxes on income from investments like stocks and bonds average less than 10 percent. That is why the stock market is soaring.

On top of that, President Bush's $1 trillion tax cuts for the wealthiest Americans have helped to create a budget-busting record deficit of over $500 billion, which adds to the burden on middle-class families through future debt repayments, rising interest rates, and a scarcity of Federal funds to help alleviate rising college and health care costs.

Now, I know that the debt issue is not one that a lot of people pay attention to; but, again, as I said, Mr. Speaker, I think ultimately that is going to cause the biggest problem for the middle class and this squeeze when this debt has to be paid off.

I mentioned education before, and I want to talk about that again in the context of the so-called middle-class squeeze.

Families are struggling to pay for the high-quality college education necessary to succeed in the 21st century. Between the weak national economy and shrinking State budgets, students and their families face rising college costs, while the Federal programs to help them are being undermined by Republican policies and the Bush policies here in Washington.

The cost of college is skyrocketing, and families are paying the price. The U.S. Department of Education tells us that tuition at 4-year public colleges has increased by almost 30 percent by 2001. As tuition rises, student loan rates continue to soar. Again, the debt issue.

Between 1997 and 2002, the typical undergraduate's debt rose 66 percent to $18,900, and more than one-quarter of today's 14 million undergraduate students will incur more than $25,000 in debt to earn a degree. Meanwhile, President Bush has failed to live up, as I said, to his promise to increase the Pell grants, and I talked about how his budget would raise taxes on students taking out college loans. I do not want to repeat that.

But clearly, these Republican policies are failing to make college more affordable for middle-class families. Just as they pay for Bush's $1 trillion tax cut for the wealthiest Americans, middle-class families are finding they are being squeezed when it comes to a college education too.

I talked before, Mr. Speaker, about prices at the pump; and now I would like to just elaborate a little bit on the middle-class squeeze as it relates to prices at the pump. I refer to it as the Bush gas tax.

After 3 months of record-high gas prices, middle-class families are feeling squeezed by prices at the pump. Experts agree that high gas prices are the equivalent of a tax on consumers, wiping out any benefits of the Bush tax for middle-class families. That is why we call it the Bush gas tax.

After 3 months of record-high gas prices across the country, the average cost of a gallon of gasoline is now $2.10, the highest average on record in dollar terms. Skyrocketing gas prices are a tax on middle-class families that are taking money out of their pockets each time they fill up at the pump.

According to Fortune magazine, gas price increases since the beginning of the year have cost American consumers $55 billion, much more than the $15 billion to $20 billion middle-class consumers got from the Bush tax cuts this April. Already families are feeling the pinch, the middle-class squeeze.

The summer driving season began a few weeks ago, but has not gotten to its highest pitch; that will be the next week or so over the July 4th weekend. A recent National Retail Federation survey found that nearly 20 percent of

families with annual incomes below $50,000 reported that they had to cut back on grocery spending due to higher gas prices. Among families earning over $50,000 a year, more than one-quarter reported that they had to cut back on travel, and 15 percent spent less on clothing for their families.

This is real. Gas prices go up, you do not buy as many groceries, you do not buy as many clothes, certainly you do not travel as much or go on vacation.

Rising gas prices translated into the higher prices on consumer goods and services across the board, further squeezing family budgets by ratcheting up the costs of grocery, travel, and countless manufactured goods.

When he was running for office, President Bush, then when he was running as a candidate, promised in 2000 to jawbone OPEC if elected President to keep oil prices down. But there is no evidence he has fought for lower oil prices, and it is clear he has no plan for lower gas prices. The Bush Republican energy bill, which is stalled in Congress, would only increase gas prices, according to the administration's estimates.

The last thing I want to mention before I conclude, Mr. Speaker, is about the debt burden, because I think that ultimately this is the biggest problem that the middle-class faces and the biggest example of the squeeze.

The debt burden is not only the debt that they incur themselves for their household, but also the debt that Republican policies here in Congress are incurring for the Nation, which ultimately have to be paid, primarily by the middle class, because they pay most of the taxes.

Again, America is awash in debt. Typical household debt in 2003 equaled more than 105 percent of disposable income for the average family. That is incredible. I am going to repeat it. Typical household debt last year equaled more than 105 percent of disposable income for the average family.

The government, as I said, has a debt problem too. President Bush's fiscal policies have racked up the largest budget deficit ever, putting an added debt tax on middle-class families. Keep in mind, that debt has to be paid back; and the average worker is paying it back, not the wealthy guy. With interest rates likely to rise, the debt will put an added squeeze on the middle class.

Let me just talk about the various types of debt that we are facing. Housing debt, first of all. The ratio of debt to home equity is at a record high of 45.4 percent. According to the Center For Economic and Policy Research, it has typically been close to 30 percent.

The ratio of debt payments and other financial obligations, like car lease payments and rent, to disposable income is at a record high of nearly one-third for renters. Ten years ago it was just under one quarter, according to the Center For Economic and Policy Research.

□ 2230

Education debt, talked about that already, parents and students are also taking on an increasing level of debt to pay exploding costs since 2001.

Then credit card debt, this is the biggest problem. Every month tens of thousands of unemployed workers are exhausting their unemployment benefits nationwide. Millions more work in jobs that do not pay enough to make ends meet or have not seen their earnings keep pace with inflation. Without a decent paycheck or unemployment assistance, many of these workers take on debt like credit cards to meet their basic needs.

Today the average credit card debt among American households is $8,000. Credit cards help families cover the gap in earnings when a family person is out of work, but the slow wage growth and long term unemployment makes it difficult to payoff that debt. Essentially that credit card debt that the average person is taking on is the same thing that the Federal Government is doing when they go into debt.

Republican policies are sending the Federal Government's own budget deficit into the stratosphere. The deficit is now estimated at $5.6 trillion over 10 years, which works out to $4,392 debt tax per family of four this year. That is how much they are paying, the average family of four is paying to the Federal Government in income taxes. It ends up being used just to pay off the Federal debt.

In a particularly vicious circle the deficit will put pressure on interest rates making it even harder for American families to meet many of their debt obligations and, worse yet, future generations must pay for today's irresponsible fiscal policies. I know that a lot of people do not pay attention to it. But ultimately that is what is going to happen.

Right now short term interest rates are low. Over the long term, because of the Federal deficit and the increase in the deficit that has been incurred by Republican policies, interest rates, long-term interest rates will go up. The majority of this is going to be paid back by middle-class households. So over the long term, the burden on the middle-class, the middle class squeeze from the Federal deficit becomes greater and greater with Republican fiscal policies.

I am not going to get into it all, but obviously, the Democrats have been very critical of this. A few years ago, I remember coming down to the floor when I was first elected back in 1988 and most of the people that were getting up and talking about the problems of the Federal deficit were Republicans.

I specifically remember that there were a group of Republicans that would come down every night in the late 1980s and early 1990s with a clock. The pages would bring out this clock on the floor of the House of Representatives. It practically ran the whole width of the platform here. It would show how the Federal deficit was going up.

We finally put an end to that on a bipartisan basis frankly in the mid 1990s when we passed the Balanced Budget Act. But ever since President Bush came into office and the Republicans had the majority here, in the House and in the other body, collectively with the President, their fiscal policies have simply run up the debt again.

I wish I could get some of those Republicans now to come down and talk about the Federal deficit. And maybe I will bring out that clock myself one night just to show how the Federal debt continues to rise. But, again, it is not the debt, per se, that bothers me, but the impact on the middle-class.

The average American is going to have to pay back that debt. They are already being squeezed enough with the higher gas prices health care costs, education costs, without having to worry about the increased costs of the debt they are going to have to pay in the future generations.

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

9/11 REPRESENTED A DRAMATIC FAILURE OF POLICY AND PEOPLE

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, the American people need to know that the 9/11 terrorist attack on New York and Washington D.C. was not predestined nor was it unavoidable. Unfortunately, the commission investigating 9/11 seems uncomfortable with fixing responsibility, branding such attempts at accountability as the blame game or pointing fingers, or so some of them said, early on in their hearings.

So instead of looking for policies that were dead wrong or people who were incompetent, we have heard about all glitches in the system, about a lack of communication, a lack of a shared database. So expect recommendations from this commission and this task force to be consistent with this thinking. Changes will be suggested in flow charts, organizational restructuring, and, of course, you can expect them to recommend the creation of a new central authority and intelligence czar.

Sorry. 9/11 represented a dramatic failure of policy and people. A number of insane policies led to the creation of the hostile radical Islamic movement we face today. Policies that enabled weird, feudalistic religious zealots to become a major threat to the Western world, and especially to the people of the United States.

Yes, the origins of this frightening reality go back a ways. In the 1980s, for example, the CIA permitted Pakistan to channel America's support to those Afghans who were fighting against the Soviet troops who were occupying their

country. Much of that support that we were giving the Afghan freedom fighters ended up in the hands of Pakistan's favorite Muslim fanatics Golbadin Hekmatyar, a fiend who, in his college days, threw acid in the face of young women who refused to cover themselves totally with a burka.

During the war, I hiked into the Afghanistan, that is the war against the Soviet's occupation of Afghanistan, I hiked into Afghanistan with a small mujahadeen infantry unit. On our way to the south of Jalalabad, which was the last major battle in which Soviet troops fought in that war, we came across an encampment of Saudi volunteers. In stark contrast to the spartan living conditions of the Afghan fighters, this camp site was complete with large safari-style tents, cots and even SUVs. I was told not to speak English because the Saudi crazy man who led this bunch would rather kill Americans than Soviet troops. His name, you guessed it, was Osama bin Laden.

So by the end of the 1980s the presence of a potentially dangerous whack element in Afghanistan was well known. And contrary to leftist cliches, the roots of our current terrorist problem lie not in the support that we gave the Afghan people in their gallant fight against Soviet occupation, but in America's willingness to let Pakistan distribute war supplies and our unconscionable decision after the retreat of the Soviet Army to walk away ourselves and to leave the poor and wounded Afghans to live in the rubble and suffering and to leave them there in their own history.

Milton Bearden, a senior CIA officer who oversaw American support, has suggested that his job was beating the Soviets and that he should not have been expected to keep our weapons and our support out of the hands of those who might pose a long-term threat to the United States. Nonsense. Put this man, the head of the CIA operation overseeing our aid to the mujahadeen, put him, the CIA officer, Milton Bearden, on the list of people who helped bring about 9/11.

I can assure you that complaints were made at the highest level about America's support ending up in the hands of these crazies. I personally made such protests while I was working in the Reagan White House.

Furthermore, it was a policy decision that let Pakistan distribute our supplies and it was wrong. To fix responsibility on this one, I look to the list of senior foreign service officers at our embassy in Islamabad in the 1980s and 1990s. Up to this day, there are State Department geniuses who still tow the Pakistani line, who still seem unable to call Pakistan to task for its transgressions of omission and comission. These State Department pros who ran our policy from Islamabad, Pakistan, in the 1980s and 1990s, these are the ones who also helped give us 9/11. Look at the list of the people who worked there.

Furthermore, it was a policy decision to walk away and abandon our Afghan allies even after psychopathic killers like Golbadin Hekmatyar rose up as the Soviets departed. President Bush, father of our current President, has to accept a lion's share of the blame for this cowardly, arrogant, and selfish policy. There would be no Marshall Plan for Afghanistan nor anything else because, like during the war itself, we left post-war reconstruction and assistance up to the Saudis and up to the Pakistanis, which was, again, another indefensible policy decision. These countries predictably had their own agenda which included the creation of a radical Islamic state in Afghanistan.

The Saudis and the Pakistanis were not upset that the violent extremists were so well armed. The Saudis and the Pakistanis supported the arming of these violent extremists. Predictably, what followed was a period of havoc and bloodshed. Hekmatyar Golbadin peppered Kabul with American rockets that were stockpiled during the Soviet occupation. Well, thank you, Mr. Bearden.

There was a way out of this, of course. We did not need to have our support going to the radicals who hate us and hate our way of life. Instead, there was the king of Afghanistan who had been exiled in Rome for many years he was able and willing to return. King Zahir Shah was, and is, the most beloved man in Afghanistan, a pro-Western force for stability, a moderate Muslim.

Instead, our State Department opted to have the creation of a third force, this new force to be made up of religious fanatics educated in the madrases, the so-called schools that were in Pakistan, schools that were financed and built by the Saudis but taught nothing but hatred towards the west.

I pleaded with Saudi intelligence chief Prince Turki to at least give the old King Zahir Shah a chance to lead an interim government. No way. Again, our State Department let the Saudis and the Pakistanis take the lead rather than having us lead them. Rather than go with a pro-Western alternative we ended up supporting the Taliban, the creation of the Taliban as a means to bring stability to Afghanistan. And make no mistake about it, the Taliban's ascent to power as well as their ability to stay in power was a Clinton administration policy decision promoted by professionals in our State Department.

Let me just note that I fought that every step of the way, trying to push to get the king of Afghanistan Zahir Shah recognized as a moderate alternative. Unfortunately, once the Taliban came to power, yes, I gave them the benefit of the doubt for about 2 weeks before it was quite evident that our worst fears would be recognized and would come to reality under the Taliban.

Again, who to put on the list of those who blame for 9/11? The policy of the State Department and the Clinton administration in collusion with the Saudis and the Pakistanis to create and support the Taliban control of Afghanistan, there is a huge cause of 9/11. They obviously did not learn, the Saudis and the Pakistanis and our own people, did not learn a thing from the horror that they created by backing Islamic fanatics like Hekmatyar Golbadin, and instead, went with the Taliban over the moderate alternative of the king.

Of course, our government's support for the Taliban was never publicly acknowledged. But for those of us engaged in that region, and there are darn few of us that were engaged in that region after the Soviets left, it was clear what our policy was.

But what is more poignant is the Afghan system believed the Americans were behind the Taliban. Why should they not? Our aid was channeled disproportionately through the Taliban controlled areas. I remember trying to clear the way for a shipment, private shipment of humanitarian relief for a non-Taliban area in northern Afghanistan only to be blocked by assistant Secretary of State Rick Inderfurth.

If there was any doubt about my suspicions, they were laid to rest and my suspicions were confirmed in 1997 when high level executives from the Clinton administration saved the Taliban from total defeat and extinction. This is long after it was clear what type of regime the Taliban had, the Nazi-like fanatics that they were.

What happened was this: In April of 1997 the Taliban launched a major offensive aimed at taking control over the northern third of Afghanistan, which to that point had remained free and under the control of regional leaders who were commonly referred to as warlords.

□ 2245

One of those regional leaders, General Malick, tricked the Taliban and managed to capture almost all of their frontline troops, along with most of their heavy weaponry. It was an utter disaster for the Taliban. The road to the capital, Kabul, was wide open. The Taliban were totally vulnerable and could have easily been wiped out.

I sent a message to Commander Masood and to others that Kabul should be liberated and that the King should be brought back to oversee a transition government, which then would hopefully evolve into a democratically elected government, perhaps like what happened in Spain where the King returned and it evolved into a democratic government; but before the anti-Taliban forces could strike, Assistant Secretary of State Rick Indefurth and American U.N. Ambassador Bill Richardson flew to northern Afghanistan and convinced the anti-Taliban leadership that this was not the time for an offensive. Instead, they insisted this was the time for a cease-fire and an arms embargo.

This clearly was a statement of U.S. policy. Two top foreign policy leaders in the Clinton administration flew to northern Afghanistan to convince the anti-Taliban forces not to take advantage of their one opportunity to soundly defeat and, thus eliminate, this enemy.

These Clinton appointees saved the Taliban; and let me underscore, by this time the evil nature of these Islamic Nazis was clearly evident. Right after the cease-fire and the release of prisoners brokered by these Clinton administration geniuses, the Pakistanis began a Berlin-like airlift to resupply and re-equip the Taliban, obviously financed with Saudi money. If I knew of this massive resupply effort, certainly the Clinton administration officials who had set up this scenario knew about it.

So why were the anti-Taliban leaders not notified of this situation? Why did we continue an arms embargo on the anti-Taliban forces, even as the Taliban were rearmed and resupplied? Well, the answer is it was U.S. policy.

So add Clinton appointees Assistant Secretary of State Rick Indefurth and United Nations Ambassador Bill Richardson on the 9/11 blame list, and I say that with great hesitation because Bill Richardson is a friend, and I enjoyed serving with him in this House; but this particular action did great damage to the United States of America's security and, as I say, led to 9/11.

To be fair, they were obviously carrying out the policies that were made elsewhere and approved higher up in the administration, but how much higher can we go than the Assistant Secretary of State for the region and our United Nations ambassador? Well, I can tell my colleagues, it goes all the way up.

Last year, the current foreign minister of Pakistan visited California. Furious by my repeated accusations that Pakistan was responsible for the Taliban, the current foreign minister of Pakistan blurted out, and this was a well-attended event, that America was part of the Taliban deal from the first day it was created. I have been trying to prove that. I have been trying to prove the Clinton administration was covertly supporting the Taliban for a long time. Now, at last, I had confirmation by a nationally and internationally respected leader.

As a member of the Committee on International Relations, I have had the responsibility of overseeing such policy. During the last 2 years of the Clinton administration, I made numerous requests with the support of committee chairman Ben Gilman for Taliban-related documents. I wanted to find out what the genesis of our policy toward the Taliban was and try to expose exactly what our policy was. I asked for the cables, for talking points, meeting notes. This was part of my responsibility, as someone who is a senior member of the Committee on International Relations, to oversee the foreign policy of the United States.

Secretary of State Madeleine Albright made a commitment to me in an open congressional hearing to provide my office and Chairman Gilman with all the related documents concerning our policy toward the Taliban. Well, to make a long story short, years went by and we kept asking for them. We were stonewalled. They sent us meaningless documents that included innocuous news clippings. Well, this was about as arrogant as anything I had ever experienced as a Member of Congress, and it still is: unelected State Department careerists dismissing the request of elected officials for security-related information. One wonders if the current independent commission examining 9/11 has asked to see these documents.

Is it not important for us to know if our government policy actually helped create the Taliban and protected the Taliban in power, even as they used Afghanistan as a terrorist base, which eventually was used as a staging area for an attack that cost the lives of 3,000 Americans on 9/11? In some ways, it is hard to characterize the administration's support for the Taliban as covert. Anyone looking closely would have to assume that that is what it was; but over and over again we were told this was not the policy. Yet something stunk.

Covert or overt, it was a disgraceful policy, and that policy led to 9/11 by creating a base of operations for bin Laden and a training base and staging area for al Qaeda. By the way, what we know now is bin Laden is not just some voice in the wilderness. He is from an enormously wealthy Saudi family; and while our petroleum dollars flowed into Saudi Arabia over the years, by the hundreds of billions of dollars, the Saudi establishment not only turned a blind eye but also attempted to buy off this violent, anti-Western, Islamic fringe which included bin Laden. This fringe was in their country. They spent billions of our petrol dollars to try to buy off these radicals. So billions of our petrol dollars now have come back to bite us in a big way. It obviously continues to this very day.

The first Gulf War in 1990 did nothing but expand bin Laden's hatred for us. Our presence in Saudi Arabia, he has piously proclaimed, is an insult to his faith. Well, considering that the mass slaughter of unarmed people is perfectly consistent with his faith, perhaps we should quit taking seriously all of this self-righteous, Islamic rhetoric used by bearded, psychopathic killers. Most people who believe in Islam are total opponents to this type of murderous behavior in the name of their religion. It is our job to reach out to those people, those Muslims, those moderate Muslims, who want to live in freedom and want everyone to respect each other's faith, to reach out to them and to make them part of our coalition, to make sure that the radical Islam, just like Communism and every other ism that attempted to murder tens of thousands and hundred of thousand get their way just as we have defeated them in the past.

In the mid-1990s, bin Laden and his cohorts began to set up a terrorist underground army for a war that he intended to wage on America and on the Western democracies. In the mid-1990s, he operated not out of Afghanistan but out of Sudan. America's official position was that bin Laden was a terrorist, and he was on our Most Wanted List. In fact, CIA Director George Tenet declared him America's and the CIA's number one target.

Inexplicably, while designated as such, the CIA's number one target, the self-aggrandizing monster organized, financed, and implemented attacks that caused tens of billions of dollars in damage and the death of thousands of innocent people, not just in the U.S. on 9/11 but worldwide over several years: the World Trade bombing back in 1993; the Khobar Towers bombing in Saudi Arabia in 1996; embassy attacks in Kenya and Tanzania in 1998; and then an attack on the USS *Cole*. All of these were all organized by bin Laden's monsters and bin Laden's conspirators, a man recognized as the number one target of the CIA. Yet with all of the CIA's money and power and technology and other assets, with a track record like that, knowing what they are capable of, the CIA could not thwart 9/11, nor did they warn us of 9/11.

So, remember, 9/11 was a major operation, planned and carried out by the CIA's number one target, as well as the number one target, as well as hundreds of others, I might add, who had to be involved in this, with millions and millions of dollars being spent on communication over large areas. Yet we were not warned, and it was not thwarted. If this is not incompetence, then what is?

Furthermore, there were mind-boggling missed opportunities to get bin Laden before 9/11. Either intentionally or as a matter of policy or through incompetence, bin Laden was never stopped, even though there were numerous opportunities to stop him. The Government of Sudan, for example, played close attention to bin Laden. That is why he was operating in that country in the early 1990s. I am told they actually cataloged the people to whom he spoke on the phone and the people who came to see him in person.

The former ambassador for the Sudan to the United States, Mahdi Ibrahim Mohamed, told me personally that he had offered our government this terrorist catalog which would have been a silver bullet for the total destruction of bin Laden's terrorist network, al Qaeda. Vanity Fair reports that the Sudanese Government's offer to provide us this information was abruptly turned down by no one else other than Secretary of State Madeleine Albright. That is right, the Secretary of State. Vanity Fair reports that she instructed that no one look at a copy of the material.

It just reconfirms, I might add, what the Sudanese ambassador has told me

personally. So in bold print let us add to the list of those responsible for 9/11 the former Secretary of State Madeleine Albright.

It should be noted that former President Clinton is denying that he turned down such an offer from the Sudan. Just even last night, I understand, he was being interviewed and denied that he had turned down this offer. Well, it is not unreasonable to assume that the wording of this denial has been crafted so we really do not know what is is, and, unfortunately, we have to look at the words very carefully to see if someone's trying to leave us with a false impression without actually telling a lie.

While we are at it, let us add the name Dick Clarke, and look at Dick Clarke. Now, this is a man who got much attention for criticizing George W. Bush when he criticized him before the investigating panel. Clarke was a senior foreign policy official. While all that I have been describing to my colleagues, while all this was taking place, he was a senior policy person in the Clinton administration and even before. He either approved of what was happening, or he did nothing during this period. He either approved it, or he did nothing. Whichever, he is certainly on the 9/11 blame list and has no credibility in blaming President Bush who, as we know, was sworn in as President after the 9/11 plot was well under way, and it was well under way and started and conceived of at a time when Dick Clarke was a senior official in the administration of this previous administration.

So now we have him attacking our President? From the first attack on the World Trade Center in 1993 to the bombing of U.S. military barracks in Saudi Arabia, to the attack on the USS *Cole* and the destruction of our embassies in Africa, the response from the last administration was so tepid, so weak, that the perpetrators thought that we Americans are cowards.

□ 2300

That is why they went ahead with 9–11, which was aimed not just at killing 3,000 Americans. Let us remember this. It is God's gift to us that only 3,000 Americans died at the Pentagon and in those towers in New York. Tens of thousands of people could have died. This we have learned.

And what we have learned is that that plan to kill tens of thousands of Americans moved forward because the response that we had, our government had to these attacks on us before, during the 1990s, made these terrorists think that we were weak and cowardly. And so those we have captured since have told us that it was the weakness of the 1990s that led to the attacks on us and led to the war that we are in today.

By the way, after one attack it is reported that Richard Clarke, who was a White House official at that time, when they were looking for how to retaliate—it is reported that Richard Clarke insisted that the retaliation take the form of a bombing of a pharmaceutical factory in Sudan, an aspirin factory which had nothing to do with terrorism. Yet that was the target that he insisted that we use as a retaliation to the attack upon us.

This while still helping the Taliban stay in power. Meaning the policy of the administration at the same time was letting the Taliban stay in power, even after we had been attacked. So here we are, we are attacked, but we still have not changed our policy of keeping the Taliban in power. We were still not working with those people who were anti-Taliban in Afghanistan. Something stinks about this whole situation.

Then, in an even more personal incident about bin Laden, which again clarifies whether or not we were doing what we needed to do, in April and May of 1999 America had an incredible opportunity to capture bin Laden. I personally was involved in this one. It is, unfortunately, yet another example of incompetence of those we trusted to protect us from an attack like 9–11.

In April 1999, a long-time friend, who had been deeply involved in the Afghan fight against Soviet occupation contacted me. My friend was, and is, an American. He has impeccable credentials, and he was widely known and admired among the Afghan people. My friend called to tip me that bin Laden was outside of Afghanistan and could be easily captured. I told him I would pass this on and pass on his name and phone numbers to the CIA.

The very next day, I was at a CIA briefing and I passed on my friend's name and phone number; explained his credential and told them we could have bin Laden on a platter. A week passed, I called my friend, and the CIA had not contacted him after a week. So I went back to the agency. This time they were adamant they would contact my friend. There was still a chance to get bin Laden.

Another week passed, and the CIA did not call my friend. So this time I went to the gentleman from Florida (Mr. GOSS), chairman of the House Permanent Select Committee on Intelligence. When he heard my story, he immediately went into action and arranged a meeting for me the next day. That next day, at the appointed time, I went to a somewhat secret and heavily guarded part of this Capitol, where there in a secure room I met with not just the CIA but also a representative of the NSA and the FBI.

There they were, the bin Laden task force. I complained about my friend's vital information being ignored, and they took notes and apologized for those dunderheads over at the CIA and promised to get it right this time. A week later my friend still had not been contacted.

When I mentioned this to Chairman GOSS, he was a appalled. The very next day, and I am sure it was based on him reading someone the riot act, a representative from an intelligence agency finally called my friend. The caller's tone of voice, my friend says, suggested that it was an obligatory inquiry.

It did not make any difference, because then the trail was cold. It was all very strange and very disheartening to see that the CIA and our intelligence people, and this was back during the last administration, did not seem to want to know how to get bin Laden. Then we end up bombing an aspirin factory after he commits a terrorist act against us.

Clearly, however, there was something dreadfully wrong at the CIA. And over at the FBI, it was just as bad, if not worse. It is widely known now that 2 months before the September 11 attacks, Phoenix FBI agent, Kenneth Williams, sent a memo to the FBI headquarters in Washington and New York warning that bin Laden disciples might be training at U.S. flight schools, and asking for a review to determine if this was happening in other parts of the country. The Williams memo was ignored by David Frasca, the supervisor special agent in Washington. David Frasca.

One month before 9–11, Minnesota FBI agent Colleen Rowley asked FBI headquarters to issue a warrant allowing agents to search the computer of a would-be terrorist, part of a gang, for information regarding Mr. Massaoui, who we knew was linked to the terrorist groups in the United States. She wanted to make sure we could check his computer. The FBI ignored her warnings. The FBI actually prohibited her from telling anybody else.

When she went to the CIA to try to warn them, she was rebuffed for her efforts. There was something terribly wrong with the culture of the FBI when they were upset that one of their people had gone to the CIA to warn them of a terrorist in the United States.

Clinton appointee, Louis Freeh, headed the Bureau for almost 8 years. The new director, Robert Mueller, took over just 2 days before 9–11. The Bureau, obviously, needed a major overhaul, as became painfully evident shortly thereafter when the World Trade Towers crashed to the ground before a shocked Nation.

The FBI, again like the CIA, had not done its job, for whatever reasons. The troubles in the FBI were not just an organizational mindset but also the restrictions and the mandates that were put upon the Bureau. So individuals there were at fault, the mindset was at fault, but there were also restrictions put on the Bureau, and restrictions that were put on many people who were responsible for protecting us from terrorism. This was put on them by the political powers of the 1990s.

A case in point, Jamie Gorelick, who now passes judgment on the Bush administration as part of the 9–11 investigation. In the 1990s, Gorelick was a Clinton administration official who basically oversaw policies for our domestic terrorist law enforcement and intelligence operations.

□ 2310

In a memo she wrote, while a Clinton lawyer—in that memo it forbade any cooperation between intelligence organizations and law enforcement agencies. Now, get this. A lady now in the committee investigating 9/11 wrote a memo, and that policy was put in place that prevented the cooperation between our intelligence organizations and law enforcement at a time when there were numerous, numerous terrorist attacks going on throughout the world and even after the terrorists had tried to bring down the World Trade Center in 1993.

So right on the 9/11 investigating panel is an example of why we had 9/11. Her presence on the investigating panel represents a massive conflict of interest. This is well known, and she should be removed.

The panel is, again, demonstrating the same inflexibility and aversion to corrective action that it is now investigating. Gorelick's directives reflected a hindsight in the last administration, even in the middle of terrorism restricting our intelligence people, even in the middle of terrorism making sure cooperation could not happen. It was a hindsight reflected even by career high-level intelligence officials.

The Defense Intelligence Agency, for example, is supposed to provide the Pentagon with the detailed information necessary for it to deal with any and every potential threat. With all that is spent on the DIA, the Pentagon, like the rest of the United States Government, I mean, think about it, all this money we spend; but yet, we were caught off guard and the Pentagon was caught off guard and unprepared for 9/11.

The Pentagon's lack of information and analysis had disastrous effects. The counterattack strategy almost implemented after 9/11 would have been to send American military forces to Afghanistan from the southern part of Afghanistan. The goal for that plan was occupying a few major cities after sending in maybe 100,000, 150,000 American troops, but to capture a few cities like Jalalabad and Kabul, leaving the Taliban in charge of the countryside; and then we would negotiate with the Taliban and offer to withdraw our forces when they turned over bin Laden.

The Taliban would have us, thousands, tens of thousands of our troops, surrounded in a few cities in Afghanistan on the other side of the world; but the Taliban would be left in power even if they did not give us bin Laden, which of course they would never have given us bin Laden. That is as insane a policy as you can imagine, but that was a plan that was being seriously proposed. That would be the plan that would rely on our troops being supplied out of the bases on the western Pakistani frontier, which we now know is an anti-American stronghold.

Now, an alternative plan, based on cooperation with the battle-tested troops of the Northern Alliance, took a long time to develop, because the Pentagon did not know who the players were, much less what the anti-Taliban forces in the north could do. So it almost had disastrous consequences, that we did not know exactly what the strength of the anti-Taliban forces was.

My staff ended up providing the Pentagon with the names and strength assessment and the satellite telephone numbers, cell phone numbers of significant Afghan leaders who opposed the Taliban. That the Pentagon was unprepared was no surprise to me, however.

In early 1999, a DIA, that is, Defense Intelligence Agency, analyst came to me for help. She was in the process of being fired, and her story tells us volumes of why 9/11 caught America off guard and ill-prepared. Julie Sirrs was one of a small number of Afghan analysts. She took her job seriously, as she should have. She in fact visited Afghanistan, but only in those areas controlled by the Taliban. After returning, she realized that this was a one-dimensional view of Afghanistan and there were gaping holes in the DOD's understanding of the situation.

She requested to officially go back to northern Afghanistan, especially to the areas controlled by anti-Taliban Commander Masood, and she was turned down. She was denied the permission to go there, but realizing the danger posed by this lack of information, Julie Sirrs took the initiative and took her vacation, paid her own way, organized her own trip to the Panjeer Valley, which was the bastion of Commander Masood, the last Afghan holdout who was resisting the Taliban.

I had met with Masood in one of his mountain strongholds 2 years before. I had dinner with him and strategized with him. He was a friend. He was a hero. He was courageous. But he was not perfect. There is no doubt. All Afghans have made mistakes over their many years of conflict, but he was a wonderful man and a person who would have done great things as a friend of the United States.

But what I did was somewhat risky, to go into the mountains and see him, but what Julie Sirrs did was far more dangerous. What Julie Sirrs did was heroic.

When she got to the Panjir Valley, she found her assumptions were right. Something vital to America's security was happening, something she was not really able to discover when she visited the Taliban-controlled areas before. Commander Masood told her that he was facing a new enemy in Afghanistan. Masood's militia was finding itself in fire fights with some kind of fundamentalist foreign legion. Apparently, bin Laden, who was making Afghanistan into his base of operations, was importing Islamic radicals from all over the world, training them as terrorists and killers and then sending them up against Masood's troops for combat experience.

Masood offered to let Julie or other Americans interrogate the foreign prisoners he had captured. This again was an intelligence bonanza, but a missed opportunity. Julie Sirrs was uncovering the creation and organization and training of bin Laden's terrorist army, al Qaeda. She only had a short time, but she collected enough information for a preliminary report, and she headed home.

The minute she got back, she found herself under severe restrictions at the Defense Intelligence Agency and restricted to whom she could brief or show any of her reports. So her report was kept close hold rather than distributed as it should have been, a report that indicated that a terrorist army was being formed in Afghanistan that could and was threatening the United States of America. The commanding officer of the DIA labeled her as insubordinate, he fired her; and when she fought her dismissal, he set out to destroy her.

Amidst the fight to save her job, the DIA commanding officer told her what really upset him most was her contact with Masood, who, according to the DIA general, was one of the bad guys. This general was sending his people to be briefed by the Taliban, but any contact with Masood was a cause for dismissal. This was a mind set during the Clinton administration. It was a mind set of the man who headed the Defense Intelligence Agency. Something is terribly wrong with this picture. The vitriol and the attack against Sirrs was shockingly harsh. Patently false charges were brought up against her to overwhelm her defense and intimidate her and force her to go quietly, which she did not do.

She was charged, for example, with lying, even though an agency lie detector test, which I have looked at, proved that she was telling the truth. She was charged with misusing equipment, having borrowed an office camera to take with her to Afghanistan. The charge was nonsense. Even her superiors agreed it was a reasonable thing to do; yet they pushed that as if she was stealing, even though she brought the camera back right after the trip with pictures so people would understand what was going on in Afghanistan.

The attacks on this sincere and responsible intelligence analyst were arrogant, nasty, malevolent, and loathsome. The brutal treatment of Sirrs sent a negative message to anyone and everyone in the DIA who had any idea of taking the initiative or thinking creatively. Julie came to me because she had no one else to whom she could turn. I was the one elected official with experience in Afghanistan. I requested a meeting with the general in charge of the DIA and right off the bat he insisted to me when he came to my office that she was insubordinate. I told him from my view she was a hero, risking her life and her job, spending her own money, all to get information that she believed was necessary for our country to be prepared in case something happened in Afghanistan.

After hearing each other out, I recommended to the general that we compromise. He could give her back her job, and she would end up neither a hero nor a scofflaw and I would back off and he could use political pressure from me as an excuse to bring her back. After the general left my office, he not only reaffirmed the firing of Julie Sirrs but he later stripped her of her security clearance as well, thus eliminating her ability to earn a living as an intelligence analyst. He demonstrated how he could destroy anyone who would deviate from his program or the mind-set of the day or defy his directives. Insubordination was the ultimate challenge to his authority; and in reaffirming his authority, he said it was more important to reaffirm that authority than was the security of the United States of America.

A few months later, the general retired. All of this would be a regrettable, but forgotten, incident, except for the resulting 9/11 tragedy, except for how terribly unprepared the Pentagon was for the war in Afghanistan. It is my sad duty tonight to inform my colleagues that the general to whom I am referring is Lieutenant General Patrick Hughes, who is today one of the top officials running the Department of Homeland Security. I am certain that over his long and distinguished career he made many contributions, but his indefensible conduct in the Sirrs case cast serious doubt over his judgment. I have notified Secretary Ridge on this side of General Hughes's character and recommended that he should not hold the high-level position that he holds in the Department of Homeland Security.

When George W. Bush took office in January 2000, the 9/11 terrorist operation, as I said, unbeknownst to any of us in government or in the outside, was already under way; but the threat posed by the radical anti-Western Islamic regime in Afghanistan was well known. An aggressive new policy to counteract this threat was needed. After Bush came in, we expected some changes. But having worked in the Reagan White House, I understood that it took time for a new President to appoint staff and set new policy and to begin to take control of government.

Nevertheless, during that brief interlude, and it was brief, between Bush's inauguration and 9/11, I met with the new national security staff on 3 occasions, including one meeting with Condoleezza Rice to discuss Afghanistan. There were, in fact, signs noted in an overview story in The Washington Post about a month ago that some steps were being made to break away from the previous administration's Afghan policy. And the previous administration's Afghan policy was a pro-Taliban policy, a policy of not supporting the opposition to the Taliban, even as Afghanistan became the base of operations for bin Laden, who was conducting terrorist activities against us.

One thing was certain to me at that time. George W. Bush, unlike his predecessor, would have a bold and unmistakable response to bin Laden's terrorist attacks.

□ 2320

As I stated earlier, we know now that those who planned and financed the 9/11 attack did not believe the United States would act forcefully and as unrelentingly as we have. This calculation resulted from the tepid American response to earlier al Qaeda attacks from Africa to New York City. But here again was an example of a rotten policy where we let these terrorist attacks happen and did not retaliate with our full strength that led to 9/11.

And, yes, had we retaliated more aggressively, had we retaliated more aggressively when our embassies were blown up in Kenya and Tanzania, the terrorists we have captured now tell us had we done that, had we responded more aggressively, they would have had second thoughts about taking this plan to fly their planes into the buildings in New York, they would have had second thoughts and might have pulled back.

I took pride in those days as being one Member of Congress, and this was before 9/11, who maintained an interest in Afghanistan, which I saw even then as a major national security threat to our country. It was an American calamity waiting to happen.

Then just a few days before 9/11, the news came that Commander Masood had been murdered in Afghanistan. I felt as if I had lost a close friend. And as I mourned his loss, I struggled to fully understand the significance of his death. Then it dawned on me. It dawned on me why Masood had been assassinated. America was going to be attacked. It would be so monstrous that bin Laden's gang in Afghanistan wanted to cut us off from a means of counterattacking them in their base of operations in Afghanistan. We would have turned to Masood if we were attacked. That is what we would have done, and they were cutting us off from turning to Masood, but now Masood was dead.

Perhaps his death was a signal to set the planned attack on our country in motion. So on September 10, after I had figured that out a few days before 9/11, on September 10 I tried to alert anyone and everyone who would listen to me. I tried to give my warnings of an imminent terrorist attack. A few people listened as a courtesy, but for most people their eyes simply glazed over as I tried to warn them. The gentleman from Pennsylvania (Mr. GREENWOOD) stood behind me in an elevator and overheard me lamenting that something horrible was about to happen and that I could not get anyone to take my warnings seriously. It was like being in the Twilight Zone, I said. And as I got off the elevator, he lightheartedly patted me on the back and with a smile told me not to be so melodramatic and certainly not to be so apocryphal.

Undeterred, I called the White House and asked for an emergency appointment with Condoleezza Rice in order to warn of an impending terrorist attack, a major attack. Her office apologized that she was incredibly busy that day but she respected my opinion and would see me the next day at 3:00 p.m. The next day was 9/11. The planes began flying into the buildings at 8:48 a.m.

I tell this story for one reason. We must ask how is it that one Member of Congress, with the help of one staff member, was able to analyze the situation and determine that the terrorists based in Afghanistan were about to launch a major terrorist attack on the United States when the CIA and others failed to do so? We spent billions of dollars on our intelligence apparatus. With one staff member, I was able to figure it out. Why were they not?

Yes, George Tenet should have resigned a long time ago, and he is certainly at the top of the list of those who should be held accountable for 9/11, for not thwarting the attack or not even warning us of the attack that was coming.

On 9/11 there was another incident that underscored this about the CIA. Shortly after the attack, I called King Zhir Shah in Rome. He was now America's greatest asset for any action that would be taken against the terrorist forces in Afghanistan. Masood was dead, but the Afghan people would rally behind the king. Well, if I could figure that out, that the king of Afghanistan exiled in Rome was our greatest asset in this war that we were in because thousands of our people had just been killed before our eyes, the Taliban certainly could have figured that out.

So I was shocked to find out that King Zhir Shah in his villa in Rome had no protection. He was totally vulnerable. So I told the king to stay put and went to work. Among others I called the CIA and managed to speak directly to one of Tenet's top lieutenants. I explained the situation, and he acknowledged the importance of the king, assuring me that he would take care of it.

A few hours later, I happened to talk to this gentleman again, and I will never forget the response, his response, when I asked if the king was under protection at that moment. This was 5 hours later. ''You don't expect us to act that fast, do you?''

Just like the FBI, there was something wrong with the mindset at the CIA. Yes, we expect them—our people in the CIA—to act at a time when we have long-distance telephone calls and digital communication to act that fast at a time when thousands of Americans are losing their lives and we had no idea how many more would be losing their lives. And that mindset of ''you did not expect us to act that fast,'' that blame must be placed on George Tenet. So his name is to be on that list and underlined.

By the way, late in the day on 9–11, the gentleman from Pennsylvania (Mr.

GREENWOOD) came running up to me when he saw me and said, ''How did you know? How did you know?'' Well, the question is why did any of us not know? Why did we not know? Why did those whom we have hired to protect us not know?

It is time for those who made possible the rise of the Taliban, the rise of bin Laden, and, yes, the tragedy of 9–11 to be held personally accountable and for us to understand the policies and the people that caused 9–11. It was not something that was ordained by God to happen. It could have been stopped had we been responsible and had people done their job.

The list stretches over both Republican and Democratic administrations. Through the failures of the CIA under Ronald Reagan when the CIA fellow in Islamabad channeled our money to fanatics when there were other people fighting the communists, the Soviets, who would have been happy to get those supplies. We could have built their strength up. So from that failure to the blunders of the State Department under George Bush to the incompetence and disingenuous posturing of the diplomats under Bill Clinton, accountability requires that their names be given.

Retired General Patrick Hughes, who as head of the Defense Intelligence Agency, fired Julie Sirrs and today holds a high position in the Department of Homeland Security. He must accept responsibility for something he did that was just demonstrably wrong. Former ambassador and now Governor Bill Richardson, a man who was our ambassador to the United Nations, a good person, a good human being whom I personally like, he, under orders from who knows who, saved the Taliban from defeat when they were vulnerable. He personally did, along with Former Assistant Secretary of State Rick Inderfurth.

Had the Taliban been defeated as they were in a position of being defeated, 9–11 just would not have happened. There would not have been a staging area for bin Laden to operate out of, and, as I say, the former CIA Officer Milton Bearden, who armed the most fanatic of the Afghan forces who struggled against the Soviet occupation.

The former CIA Director George Tenet, whose culpability I have mentioned several times, he resigned. He should have done so long ago. Former Secretary of State Madeleine Albright, she was the point person for the policy of covert support for the Taliban, and she was the one who detailed the opportunity for us to receive information from Sudan that would have permitted us to eliminate bin Laden's terrorist network. Of course it was not the policy. She was doing something that was consistent with the policy of that administration.

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Then, of course, Dick Clarke, who has criticized this President for the few months he had in power before 9/11, was, along with a few others, in a high level position to argue against, if not to change, the grotesquely mistaken policies of the eighties and nineties, but he failed to do so. In fact, we know a few of the things that he did were exactly in the wrong direction.

If another 9/11 is to be avoided, we need accountability. We do not need the rearranging of a bureaucratic organizational chart. There is nothing wrong with our system that brought on 9/11, and there is nothing wrong with our system which will not be corrected by having different policies in place and different people in positions of authority.

Let us now, if nothing else, be honest with each other. We have Ms. Gorelick, who is on the panel investigating 9/11, when she herself issued mandates that undercut our ability to fight terrorism back in the 1990s. Let us be honest with each other. Let us have an honest accounting. We can start right there by relieving that person from her responsibilities and looking at that role that she played that undercut the ability of our departments and agencies to do their job.

So, let us be honest with one another, have an honest accounting, and then let us join together and let us commit ourselves to defeating this murderous enemy, this enemy that would destroy our way of life, who hates everything that America stands for, and let us defeat this enemy so completely that no one will ever again miscalculate about the power of the American people or the courage of the American people.

Today, we have a chance to make a better world for tomorrow. We saw where people and policies of a decade ago have left us in this turmoil and this bloodshed that we face today. But if we have courage, and our President has this courage, and he is unrelenting, and if we get behind him, and if the American people are unified in our commitment, this threat, just like the threat of Nazism and Japanese militarism in the 1940s and 1930s, we defeated that threat to mankind, and then we defeated the threat of communism.

But if we are honest with ourselves and we move forward, correcting our mistakes, and there will always be mistakes, there were mistakes in World War II, there were mistakes in the war against communism, but if we correct our mistakes and insist that people be held accountable, we will build a future for our children that is secure, and we will build a country that can live in peace and prosperity and in friendship with others.

More than that, we will live in friendship with all people, especially those moderate Muslims who do not share in the hatred and are appalled by the hatred of bin Laden towards the West. Let us build a world where Christians and Muslims can respect each other's faith. But we need to take the leadership. We cannot depend on the Saudis or the Pakistanis or anyone else to provide the leadership. It is up to the people of the United States and our leaders here to lead the way, and I have every confidence that our President will do and is doing just that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. EMANUEL (at the request of Ms. PELOSI) for June 18 and today on account of personal reasons.

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

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. REYES (at the request of Ms. PELOSI) for today and June 22 on account of a family health matter.

Mr. MCINNIS (at the request of Mr. DELAY) for today and June 22 and 23 on account of attending a funeral.

Mr. PORTER (at the request of Mr. DELAY) for today on account of official business.

Mr. PUTNAM (at the request of Mr. DELAY) for today on account of official business.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

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

The following Members (at the request of Mrs. MCCARTHY of New York) to revise and extend their remarks and include extraneous material:

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

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

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

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

Mr. GOODLATTE, for 5 minutes, June 22.

Mr. BURTON of Indiana, for 5 minutes, June 22, 23, 24, and 25.

Mr. GUTKNECHT, for 5 minutes, today and June 22.

Mrs. MUSGRAVE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 34 minutes p.m.), the House adjourned under its previous order, until tomorrow, Tuesday, June 22, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8669. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 04-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8670. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8671. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8672. A letter from the Secretary, Department of the Agriculture, transmitting the Department's Report to Congress on Fiscal Year 2003 Competitive Sourcing Efforts in accordance with section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Government Reform.

8673. A letter from the Secretary, Department of Agriculture, transmitting the Department's competitive sourcing policy and FY 2004 budget for contracting out in accordance with Division A of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Government Reform.

8674. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8675. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of the Transportation and Treasury Appropriations Act, FY 2004 Pub. L. 108-199 and the Office of Management and Budget Memorandum 04-07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8676. A letter from the Director, National Gallery of Art, transmitting in response to OMB Memorandum 04-07, dated February 26, 2004, the National Gallery of Art's FY 2003 Inventory of Commercial and Inherently Governmental Activities Report; to the Committee on Government Reform.

8677. A letter from the Deputy Director for Management, Office of Management and Budget, transmitting the Administration's competitive sourcing initiative for FY 2003, in accordance with Section 647(b) of the Transportation, Treasury, and Independent Agencies Appropriations Act, FY 2004 (Division F of the Consolidated Appropriations Act, Pub. L. 108-199); to the Committee on Government Reform.

8678. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Specific Service and General Service Signing for 24-HOur Pharmacies [Docket No. FHWA-2004-17321] (RIN: 2125-AF02) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900C Airplanes [Docket No. 2003-CE-27-AD; Amendment 39-13620; AD 2004-09-30] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) TPE331-10 and -11 Series Turboprop Engines [Docket No. 2003-NE-02-AD; Amendment 39-13619; AD 2004-09-29] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-7-100 Series Airplanes [Docket No. 2003-NM-153-AD; Amendment 39-13612; AD 2000-02-07 R1] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Model Turbofan Engines [Docket No. 2001-NE-45-AD; Amendment 39-13625; AD 2004-09-34] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Superior, NE. [Docket No. FAA-2004-17432; Airspace Docket No. 04-ACE-30] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Minden, NE. [Docket No. FAA-2004-17426; Airspace Docket No. 04-ACE-26] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Holdrege, NE. [Docket No. FAA-2004-17425; Airspace Docket No. 04-ACE-25] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters; Correction [Docket No. 2002-SW-45-AD; Amendment 39-13471; AD 2004-03-27] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2003-SW-56-AD; Amendment 39-13495; AD 2004-01-51] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-70 and -70F Series Airplanes [Docket No. 2001-NM-133-AD; Amendment 39-13532; AD 2004-06-06] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components Incorporated (ECi) Reciprocating [Docket No. 2004-NE-07-AD; Amendment 39-13579; AD 2004-08-10] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SF340A and SAAB 340B Series Airplanes [Docket No. 2002-NM-146-AD; Amendment 39-13626; AD 2004-09-35] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 340B Series Airplanes Equipped with Hamilton Sundstrand Propellers [Docket No. 2002-NM-200-AD; Amendment 39-13630; AD 2004-09-39] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2002-NM-261-AD; Amendment 39-13610; AD 2004-09-21] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2002-NM-NM-259-AD; Amendment 39-13615; AD 2004-09-25] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model 1125 Westwind Astra Series Airplanes [Docket No. 2001-NM-402-AD; Amendment 39-13609; AD 2004-09-20] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2002-NM-277-AD; Amendment 39-13616; AD 2004-09-26] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 2004-NM-38-AD; Amendment 39-13623; AD 2004-03-14 R1] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. 2003-NM-93-AD; Amendment 39-13624; AD 2004-09-33] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2003-NM-138-AD; Amendment 39-13611; AD 2004-09-22] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-273-AD; Amendment 39-13627; AD 2004-09-36] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2003-NM-121-AD; Amendment 39-13629; AD 2004-09-38] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-3A, -7, -7A, -7AH, -7H, -7F, -7J, -20, and -20J Turbofan Engines [Docket No. 2003-NE-34-AD; Amendment 39-13631; AD 2004-10-01] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8703. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101—162, section 609(b); jointly to the Committees on Resources and Appropriations.

8704. A letter from the Administrator, Small Business Administration, transmitting a proposed legislative package containing provisions to implement the President's Fiscal Year 2005 Buget, provisions amending the SBA's existing statutory authority and other legislative initiatives relating to SBA programs and services; jointly to the Committees on Small Business, the Judiciary, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with amendments (Rept. 108–460, Pt. 3). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with an amendment (Rept. 108–460, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3742. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building'' (Rept. 108–556). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3884. A bill to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse'' (Rept. 108–557). Referred to the House Calendar.

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 4548. A bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 108–558). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 683. Resolution providing for consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005 (Rept. 108–559). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. CUBIN:

H.R. 4625. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. GREENWOOD (for himself and Mr. GREEN of Texas):

H.R. 4626. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 4627. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. ANDREWS, Mr. BERRY, Mr. STENHOLM, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. STARK, Mr. RANGEL, Mr. BROWN of Ohio, Ms. PELOSI, Mr. MENENDEZ, Mr. FROST, Mr. SANDLIN, Mr. DAVIS of Florida, Mr. MEEHAN, Mr. LAMPSON, Mr. HOLDEN, Mr. GREEN of Texas, Mr. BELL, Mr. MOORE, Mr. TURNER of Texas, Mr. PALLONE, Mrs. CAPPS, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mrs. MALONEY, Ms. DELAURO, Ms. WATERS, Mr. LARSON of Connecticut, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, Mr. SERRANO, Mr. LIPINSKI, Mr. ETHERIDGE, Mr. BOSWELL, Mr. STRICKLAND, Mr. HOLT, Ms. KAPTUR, Mr. ACKERMAN, Mr. HINCHEY, Mr. MCNULTY, Mr. GORDON, Ms. DEGETTE, Ms. KILPATRICK, Mr. SPRATT, Mr. SKELTON, Mr. CONYERS, Mr. DOYLE, Mr. OBERSTAR, Mr. STUPAK, Mr. SHERMAN, Mrs. MCCARTHY of New York, Ms. LINDA T. SANCHEZ of California, and Mrs. TAUSCHER):

H.R. 4628. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. FEENEY, Mr. CHOCOLA, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PENCE, Mr. FRANKS of Arizona, Mr. ISTOOK, Mrs. CUBIN, Mr. GOODE, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. ENGLISH, Mr. PAUL, Mr. WOLF, Mr. SOUDER, and Mr. ISAKSON):

H.R. 4629. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax on individuals by permitting the deduction for State and local taxes and to adjust the exemption amounts for inflation; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4630. A bill to amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves; to the Committee on Armed Services.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 4631. A bill to fund capital projects of State and local governments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, 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. MEEKS of New York (for himself, Mr. BISHOP of New York, Mr.

ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mrs. KELLY, Mr. SWEENEY, Mr. MCNULTY, Mr. HINCHEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. REYNOLDS, Mr. QUINN, Ms. SLAUGHTER, and Mr. HOUGHTON):

H.R. 4632. A bill to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''; to the Committee on Government Reform.

By Mr. MATSUI:

H.J. Res. 99. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. MCCOTTER (for himself and Mr. DINGELL):

H.J. Res. 100. A joint resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many nations and a revolutionary industrial and global institution, and congratulating the Ford Motor Company for its achievements; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H. Con. Res. 458. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238; considered and agreed to.

By Mrs. CAPITO (for herself and Mr. KANJORSKI):

H. Con. Res. 459. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners; to the Committee on Government Reform.

By Mr. CHOCOLA:

H. Res. 684. A resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

363. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to provide sufficient funding for full implementation of the ''No Child Left Behind Act'' of 2001; to the Committee on Education and the Workforce.

364. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resoultion No. 20 memorializing the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

365. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolutoin No. 18 supporting the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in the Socialist Republic of Vietnam; to the Committee on International Relations.

366. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 97 memorializing the President and Congress of the United States to support the passage of H.R. 3587 to benefit Filipino World War II veterans and their families; to the Committee on the Judiciary.

367. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 memorialzing the United States Congress to take appropriate action to expidite the approval process necessary for foreign teachers to teach in the state's French immersion program; to the Committee on the Judiciary.

368. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 61 memorialzing the United States Congress to appropriate funds for design and construction assistance for water-related environmental infrastructure and resource development and protection projects in Louisiana; to the Committee on Transportation and Infrastructure.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 203 memorializing the United States Congress to support the passage of S. 68, relating to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

370. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resoultion No. 257 memorializing the United States Congress to implement a 36 percent federal wagering tax on gross receipts at Native American casinos and to redistribute the revenues to the states of origin; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 218: Mr. BLUMENAUER.
H.R. 303: Mr. HILL.
H.R. 434: Mr. ISTOOK.
H.R. 584: Mr. BISHOP of Georgia.
H.R. 1043: Ms. HOOLEY of Oregon and Ms. DELAURO.
H.R. 1231: Mr. COLLINS
H.R. 1316: Mr. LEWIS of Georgia.
H.R. 1329: Ms. ROS-LEHTINEN.
H.R. 1563: Mr. HINCHEY.
H.R. 1684: Ms. WOOLSEY.
H.R. 1863: Mr. PRICE of North Carolina.
H.R. 2023: Mr. TERRY, Mr. ACEVEDO-VILLA and Mr. SAXTON.
H.R. 2125: Mr. CHANDLER.
H.R. 2291: Mr. CHANDLER.
H.R. 2505: Mr. PETERSON of Minnesota and Mr. SMITH of New Jersey.
H.R. 2727: Mr. DOGGETT.
H.R. 2852: Mr. RYAN of Ohio.
H.R. 2929: Mr. BURNS.
H.R. 3113: Mr. GARRETT of New Jersey.
H.R. 3180: Mr. OLVER.
H.R. 3193: Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. LEWIS of California, and Mr. STRICKLAND.
H.R. 3266: Mr. LANTOS, Mr. MEEHAN, Mrs. DAVIS of California, Mr. SMITH of New Jersey, Mrs. MALONEY, and Mr. LEWIS of Georgia.
H.R. 3355: Mr. HOLDEN.
H.R. 3476: Mr. SMITH of New Jersey and Mr. LOBIONDO.
H.R. 3523: Mr. GUTIERREZ and Mr. LEWIS of Georgia.
H.R. 3579: Mr. LAMPSON.
H.R. 3619: Mr. SWEENEY.
H.R. 3634: Mr. RAMSTAD.
H.R. 3801: Mr. GINGREY.
H.R. 3831: Mr. BLUMENAUER.
H.R. 3834: Mr. CALVERT.
H.R. 4016: Mr. TOWNS.
H.R. 4104: Mr. LANGEVIN.
H.R. 4108: Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. LATHAM, Mr. MURPHY, Mr. MOORE, Mr. DOGGETT, Mr. WELDON of Florida, and Mr. PALLONE.
H.R. 4155: Mr. GONZALEZ.
H.R. 4202: Mr. SCOTT of Virginia.
H.R. 4206: Mr. WALSH.
H.R. 4212: Ms. LEE, Mrs. TAUSCHER, Mr. CARDOZA, Ms. ESHOO, and Ms. WOOLSEY.
H.R. 4214: Mr. CANTOR and Mr. WEXLER.
H.R. 4256: Mr. CLAY.
H.R. 4257: Mr. MORAN of Kansas.
H.R. 4261: Mr. CARDIN and Mr. THOMPSON of Mississippi.
H.R. 4295: Mr. TERRY.
H.R. 4370: Mr. MATSUI and Mr. RUPPERSBERGER.
H.R. 4391: Mr. EDWARDS.
H.R. 4413: Mr. OTTER, Mr. FROST, and Mr. GONZALEZ.
H.R. 4430: Mr. CALVERT and Mr. UPTON.
H.R. 4440: Mr. GOODLATTE and Mr. ADERHOLT.
H.R. 4499: Mr. CULBERSON.
H.R. 4530: Mr. BUYER and Mr. SAM JOHNSON of Texas.
H.R. 4578: Mr. HALL, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. DICKS, Mr. HOBSON, Mr. REGULA, and Mr. GREEN of Texas.
H.R. 4586: Mr. BOUCHER.
H.R. 4595: Mr. WAXMAN, Mr. HOLDEN, Mr. SAXTON, Mrs. MCCARTHY of New York, and Mr. OLVER.
H.R. 4600: Mr. ALLEN, Mr. SHAYS, and Mr. MEEKS of New York.
H.R. 4605: Mr. ALLEN, Mr. MICHAUD, Mrs. JONES of Ohio, and Mr. MEEKS of New York.
H. Con. Res. 319: Ms. ESHOO, Mr. MCCOTTER, Mr. ACKERMAN, and Mr. SHERMAN.
H. Con. Res. 425: Mr. TURNER of Texas, Mr. MATSUI, Mr. CANTOR, Mr. CROWLEY, and Mr. RENZI.
H. Con. Res. 430: Mr. NYE and Mr. REGULA.
H. Con. Res. 436: Mr. ENGEL, Mrs. MCCOLLUM, Mr. TANCREDO, Mr. LEACH, Mr. HOUGHTON, Ms. ROS-LEHTINEN, and Mr. FLAKE.
H. Con. Res. 443: Mr. SIMPSON and Mr. DUNCAN.
H. Con. Res. 449: Mr. ETHERIDGE, Mr. WILSON of South Carolina, Mr. MOORE, Mr. COLLINS, Mr. MCCOTTER, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 450: Mr. WICKER, Mr. SNYDER, Ms. KAPTUR, Mr. BAIRD, Mr. KILDEE, Mr. ROSS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, and Mr. MCCOTTER.
H. Con. Res. 456: Mr. WAMP.
H. Res. 466: Mr. SNYDER.
H. Res. 550: Mr. WEINER.
H. Res. 567: Mr. SHUSTER and Mr. COLE.
H. Res. 591: Mr. MCCOTTER.
H. Res. 604: Mr. RUPPERSBERGER and Mr. ENGEL.
H. Res. 667: Mr. AKIN, Mr. FOLEY, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. BLUNT, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. DELAY, Mr. BARTON of Texas, and Mr. WELLER.
H. Res. 679: Mr. HOEKSTRA, MR. EHLERS, Mr. CAMP, Mr. SMITH of Michigan, Mrs. MILLER of Michigan, and Mr. MCCOTTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 163: Ms. NORTON.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

84. The SPEAKER presented a petition of the Township Council of the Township of

Mahwah, New Jersey, relative to a resolution petitioning the United States Congress to adopt the appropriate legislation to reduce cable television costs, increase customer satisfaction, encourage competition in the cable and satellite markets and prevent the cable industry from discriminating against potential customers; to the Committee on Energy and Commerce.

85. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 117 of 2004 petitioning the United States Congress to take all steps necessary to ensure that the phrase ''under God'' remains in the Pledge of Allegiance; to the Committee on the Judiciary.

86. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 154 of 2004 petitioning the United States Congress to pass S. 1684 and H.R. 1886; jointly to the Committees on Energy and Commerce and Education and the Workforce.

87. Also, a petition of the Council of the City of Parma Heights, Ohio, relative to Resolution No. 2004-5 supporting the Breast Cancer Patient Protection Act of 2003; jointly to the Committees on Energy and Commerce and Education and the Workforce.

88. Also, a petition of the citizens of the Town of Leverett, Massachusetts, relative to a resolution petitioning national governments to increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT); that nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forwith; and that nations begin to map the road to a nuclear-weapons free world; jointly to the Committees on International Relations and Armed Services.

89. Also, a petition of the Board of Supervisors, La Crosse County, Wisconsin, relative to Resolution No. 3-4104, petitioning the Congress of the United States to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois River system; jointly to the Committees on Resources and Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the RECORD *of Friday, June 18, 2004]*

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Raham Emanuel, Artur Davis, Jim Marshall, Hilda L. Solis, Xavier Becerra, Stephanie Tubbs Jones, Gene Taylor, Calvin M. Dooley, Jim Cooper, Stephanie Herseth, Rodney Alexander, Ike Skelton, Brad Miller, James L. Oberstar, Collin C. Peterson, John S. Tanner, Neil Abercrombie, Ron Kind, Bill Pascrell, Jr., Michael M. Honda, Bob Etheridge, Karen McCarthy, Paul E. Kanjorski, Edolphus Towns, Steny H. Hoyer, Joseph Crowley, Jim Davis, Melvin L. Watt, Bernard Sanders, Earl Pomeroy, and George Miller.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: Page 7, line 21, insert after the dollar amount the following: ''(increased by $1,400,000,000)''.

Page 17, line 21, insert after the dollar amount the following: ''(increased by $2,000,000,000)''.

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $3,500,000,000) (increased by $100,000,000)''.

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 2: Page 7, line 21, insert after the dollar amount the following: ''(increased by $60,000,000)''.

Page 17, line 21, insert after the dollar amount the following: ''(increased by $400,000,000)''.

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $500,000,000) (increased by $40,000,000)''.

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 3: Page 33, line 19, insert after the dollar amount the following: ''(reduced by $5,000,000) (increased by $5,000,000)''.

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 4: Page 7, line 21, insert after the dollar amount the following: ''(increased by $140,000,000)''.

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $200,000,000)''.

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 5: Add at the end of title VIII, the following new section:

SEC. 8____. There shall be an Assistant Deputy Undersecretary of Defense for Military Munitions Response, who shall serve under the Deputy Undersecretary of Defense for Installations and Environment, oversee policy and budgeting issues involving the characterization, remediation, research, and management of military munitions response at former military ranges known or suspected to contain unexploded ordnance or other abandoned military munitions, and be the single point of contact for elements of the military departments with munitions response responsibilities. There shall be a separate account, to be known as ''Military Munitions Response Program'', through which funds will be provided for the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at Formerly Used Defense Sites.

H.R. 4613

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 6: Page 17, line 21, insert after the dollar amount the following: ''(increased by $200,000,000)''.

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $250,000,000) (increased by $50,000,000)''.

H.R. 4613

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 7: At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

H.R. 4613

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 8: Page 19, line 4, after the dollar amount insert the following: ''(increased by $15,000,000)''.

Page 33, line 19, after the dollar amount insert the following: ''(reduced by $15,000,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, JUNE 21, 2004 No. 86

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God, who rides the wings of the wind, You are powerful yet patient. You show Your mercy to those who trust You. The clouds are only dust beneath Your feet and Your voice can be heard in life's storms.

Help America to hear You speaking in the storms that challenge our land. Make us a nation true to our best beliefs. Lead Your Senators today, along fresh paths of understanding. May they receive insights that will solve the problems that impede our national progress. Heal our world.

O God, our King, You have won victories everywhere on this Earth. We look to You today to direct and keep us. Lead us this week in an awareness of being Your children as You teach us to do Your will.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Defense authorization bill. There are seven pending amendments at this time, with two of those being second-degree amendments.

As I stated Friday, I expect rollcall votes at 5:30 today on some of the pending amendments, or others that may be offered over the course of the afternoon.

At this time no votes have been set, but I will be consulting with the chairman and ranking member as to which amendments will be ready for rollcall votes this evening. We expect at least a couple of votes today on Defense amendments. As always, we will alert Members as those are set.

This is now the fourth week of consideration of this bill. The Senate began consideration of the Defense authorization on May 17. Since that time, we have had a number of challenges with respect to the schedule, but I think we have had adequate time to debate and consider this very important bill.

I vitiated the scheduled cloture vote last week, given a good-faith effort to complete this bill. Now is the time to work to bring this bill to an end.

Following tonight's votes, I hope we can stack additional votes for Tuesday morning, with a further agreement as to what remains. We will be prepared to stay late tomorrow if necessary in order to finish this bill. I expect Members to be prepared for that event.

Last, I have two scheduling reminders for Senators. The official photograph will be taken tomorrow at 2:15. Senators should be seated promptly at their desks at 2:15 for that photograph.

Second, there is a possibility of a Members only briefing on Iraq for Wednesday at 3 p.m. Once again, we will alert all Senators when this is all confirmed.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

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

DEFENSE AUTHORIZATION

Mr. REID. If the distinguished majority leader will allow me to offer a few comments, it is my understanding that the distinguished chairman of the committee and Senator LAUTENBERG worked out side-by-side votes on his amendment and your second-degree amendment.

Mr. WARNER. I did not hear the Senator.

Mr. REID. I said it is my understanding for this afternoon we could have a vote on the Lautenberg amendment and also the amendment you offered in the second degree.

The PRESIDENT pro tempore. Senators should put their remarks through the Chair.

Mr. FRIST. I ask the chairman to comment on the schedule.

Mr. WARNER. Mr. President, I talked to Senator LAUTENBERG this morning. He made that request to me. I say this with all due respect. I second-degreed that amendment. The second degree, of course, would be in order for the first vote.

I just wonder. I am perfectly prepared to say yes, but if we begin to sequentially vote every second degree and underlying, we are going to be here for some period of time. Could some evaluation be made by the distinguished Senator from Nevada, after the vote on the second degree, as to whether in fact it merits the time of the Senate to go forward with the second vote?

Mr. REID. Mr. President, I think the distinguished chairman, as usual, makes a lot of sense. If, in fact, the second-degree amendment is agreed to overwhelmingly, of course it would not make a lot of sense to vote on that first amendment. I am sure we can work something out on that. I wanted the majority leader to know that we at least have one vote, perhaps two votes, lined up tonight at 5:30 or whenever the majority leader decides.

We have a number of other issues pending. Senator DURBIN has offered an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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amendment. It is my understanding Senators HATCH and HARKIN wish to second-degree that amendment. Senator DURBIN is, of course, waiting around to see what that second degree would do.

Senator DAYTON has an amendment. He is willing to offer that. It is a ''Buy American.'' He would agree to a short time period, but the Senator from Arizona said he wanted to be here when that amendment was offered so Senator DAYTON is somewhat hesitant. I am going to talk to Senator DAYTON and tell him he should get his vote out of the way today. If Senator MCCAIN does choose to offer a second degree, we would be that much further ahead.

Senator BINGAMAN has a number of amendments but it appears maybe they can be worked out. Senator BINGAMAN thinks so. Senator BYRD is going to make a decision tonight as to whether he is going to offer his amendment. Senator CORZINE is indisposed today and is unable to offer his two amendments, but they should be on short time agreements. Senator KENNEDY has said he would be ready to offer his first thing in the morning.

So we are moving along. We don't have too much left to do. But there are a few things that will take a little bit of time.

Mr. WARNER. Mr. President, if I could reply, first, I think the distinguished Senator from Nevada has been extremely helpful and is continuing to be that way. Let me point out that we are prepared to take up each and every one of those amendments that he just mentioned right now. In the case of Senator MCCAIN, it could be that I could present on his behalf the second degree, we could engage in part of that debate on DAYTON, and upon the arrival of Senator MCCAIN, I am sure he could move right in and conclude the debate.

Mr. REID. Senator DAYTON is here. He would be willing to do that.

Mr. WARNER. That is one option.

I am not certain as to the time of the arrival of the Senator from Utah, Mr. HATCH. But there again I don't have the knowledge. It is a matter unrelated to the Defense bill. As you know, it relates to dietary supplements. I understand my committee chairman, Senator GREGG, has some views on it. I expect we could begin to engage in some debate on that prior to the arrival of Senator HATCH.

Mr. FRIST. Mr. President, let me interject. The Senator from Utah will be here early afternoon, sometime right after 2:30.

Mr. WARNER. So we could get started on that.

Mr. FRIST. Mr. President, I will allow Senators to finish. I think from the discussion we all just witnessed, we are working very hard with certain limitations with people who are here and the way they want to express themselves.

From a leadership standpoint, because this is the last week before the recess and we have other important legislation, I want to encourage the managers to do exactly what they are doing, and the leadership on both sides of the aisle, to bring this bill to closure tomorrow night. If it means working very hard today and tonight and starting early tomorrow with votes continuing late tomorrow night, I ask them to give every consideration to that so we can move on to very important business before our recess.

Mr. WARNER. Fine. Mr. President, if I heard the distinguished leader properly, the word was ''closure'' tomorrow night, not ''cloture''? I want to make sure of that.

Mr. FRIST. That is correct, Mr. President. We want to proceed in good faith as we have been doing.

Mr. WARNER. As we have been doing.

Mr. FRIST. I vitiated the last cloture vote because I recognize the good faith both sides are working in, but we need to bring the bill to completion tomorrow night if it is at all humanly possible.

Mr. WARNER. I thank my leader.

With respect to the first issue raised by the distinguished Senator from Nevada about the Lautenberg measure, I did not mean in any sense to be negative about his approach. Frankly, it is a bipartisan issue, in my judgment. There will be Senators on both sides who will perhaps look at this amendment, which I believe is an important one in terms of the very critical subject before us today—that is, how this Nation best respects those who lose their lives in the combat operations in far lands today, primarily Afghanistan and Iraq. It is a serious amendment. There will be, I think, some support on both sides for my proposition and perhaps as well for the position of my distinguished friend from New Jersey, Senator LAUTENBERG.

But I wish to raise the subject of sequential votes in the case of second degrees. Each one should be looked at individually rather than just establishing an ironclad policy that we will proceed to have sequential votes every time there are second-degree amendments.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities for 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.

Pending:

Brownback amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

Burns amendment No. 3457 (to amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission.

Durbin amendment No. 3225, to require certain dietary supplement manufacturers to report certain serious adverse events.

Lautenberg amendment No. 3291, to require a protocol on media coverage of the return to the United States of the remains of members of the Armed Forces who are killed overseas.

Warner amendment No. 3458 (to amendment No. 3291), to propose a substitute expressing the sense of Congress on media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-Based Midcourse Defense Program pending the submission of a report on operational test and evaluation.

Mr. REID. Mr. President, the reason we have considered these side by side on a number of occasions is the person offering the amendment initially wants a vote on his amendment. The second degree usually wipes out that amendment, which causes that person to reoffer the amendment, which they have a right to do. It has been discovered in the past that we are much better off considering them side by side right off the bat rather than doing the parliamentary skirmishing. Of course, as I said to the distinguished Chair, if there is an overwhelming vote on the second degree, a lot of times the Senator who offers the first degree doesn't want to do that. That is what we will have to see.

Mr. WARNER. Mr. President, I concur in the observation of our distinguished colleague. All I am saying is we should look at each one individually rather than establishing a policy at this point—certainly with regard to this bill because, as the distinguished majority leader said, the Senate has devoted extensive time to this piece of legislation. It is very important. I am optimistic that we can meet the schedule for completion tomorrow night. I hope that optimism is shared on the other side.

At this time, the bill is open to amendment. The managers await the arrival of the first Senator.

Mr. REID. Mr. President, the first Senator we have indicated to speak on an amendment will be here at 2 o'clock. Senator DAYTON will be here on the Buy America amendment. Senator LEVIN has a missile defense amendment with which the distinguished Chair is familiar. He will be here also to offer that amendment shortly. We probably won't have too many other amendments offered today, but we will see. We have placed calls, as you know. We have lined up for today Senators LEVIN, DAYTON, BYRD, and BINGAMAN. But we now understand that Senator BINGAMAN may not want to offer his amendment, Senator BYRD

may not want to offer his, and Senator DAYTON's is with the condition, of course, which we have talked about. Senator LEVIN will be here. I assume Senator LEVIN's amendment will take probably an hour between both sides. He usually doesn't talk very long.

We are in a position to move forward.

Mr. WARNER. Mr. President, I hope we can perhaps reach the Byrd amendment today. It is an important amendment. I have shared many debates with my good and valued friend from West Virginia, and we are prepared. I cannot join him in support, but we will have a good, strong debate on it. It will be, I believe, a historic debate to initiate today.

Mr. REID. Mr. President, I spoke earlier today with Senator BYRD. He said he would make a decision tonight as to whether he is going to offer the amendment.

Mr. WARNER. Mr. President, I will be available tonight should the senior Senator from West Virginia desire to take up that debate tonight.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to mention in the context of the discussion which has been held between the Senator from Virginia and the Senator from Nevada that I believe the second-degree amendment which I had intended to offer to Senator BROWNBACK's second-degree amendment will be in order. I have been working throughout the weekend. The question with the Parliamentarian was whether it would be relevant. I believe we have now revised that amendment so it will be relevant.

My understanding is Senator BROWNBACK has offered an amendment on indecency to this Defense authorization bill which came out of the Commerce Committee with respect to broadcasting. Senator BURNS of Montana offered a second degree to Senator BROWNBACK's amendment.

I would not offer an amendment that would be extraneous to the Defense authorization bill except that the amendment Senator BROWNBACK offered came out of Commerce Committee on a matter that addressed a related issue—that is, the concentration of broadcast ownership—which I, Senator LOTT, Senator SNOWE, and others added in the Commerce Committee. Senator BROWNBACK offered an amendment on the floor of the Senate excluding that provision. I understand why. I am not being critical of him at all. But I would want to add that back using a second-degree slot as soon as we can find a way in which Senator BURNS' second-degree slot will be resolved.

I say to the Senator from Virginia: I am here and ready any time to offer that amendment. It would not be my intention to hold up the Defense authorization bill. In fact, I wouldn't be offering this amendment were it not for the fact that Senator BROWNBACK's amendment on indecency was offered to the Defense bill when it came out of the Commerce Committee containing the amendment on broadcast ownership which I had previously offered with Senator LOTT.

I wanted to make the Senator from Virginia aware that the second degree I will offer, along with Senator SNOWE and some others, is certainly available, and I would want to find an opportunity to offer that amendment.

Mr. REID. Mr. President, through the Chair to the distinguished Senator from North Dakota, on this side we have been very careful about extraneous amendments being offered. There are a lot of things we would like to talk about. There is minimum wage, just to name one and which we feel is long overdue. There are a lot of amendments regarding Medicare we could offer on this legislation—prescription drugs. But because this is an important Defense bill, we have chosen not to offer any extraneous amendments. We have been very thorough in stacking amendments that would be offered on this side.

Speaking personally, that is why I am somewhat disappointed that an amendment dealing with broadcast indecency would be offered on this bill because there is no question it will hold up things. The Senator from North Dakota has led the effort in the Senate, and that effort has been successful. A limitation on what the administration did was passed by a wide margin. This just opens the door.

Senator DORGAN would be legislatively irresponsible if he didn't offer his amendment sometime during the pendency of this Brownback amendment. I am in support of the Senator from North Dakota in offering this amendment.

I want to underscore and underline that it is too bad this broadcast indecency amendment was offered on this bill because it is going to take a little bit of time.

Mr. WARNER. Mr. President, we are where we are. In the mortal words of someone smarter than I, we have to deal with the cards which have been dealt.

I have a suggestion. We are trying to work out how we could protect the parliamentary situation as it now exists with regard to the Burns second degree such that we could proceed now with the debate on the amendment of the distinguished Senator from North Dakota and at least have the debate in place in the hopes that perhaps we could resolve this dilemma as the day goes on.

Mr. REID. Mr. President, I want it made clear that the reason I said this is we have worked very hard to move this bill along. This is an important bill. We started off with about 300 amendments. Those amendments were defense oriented with rare exception. The majority leader has worked hard and filed a cloture motion. That was withdrawn, and rightfully so. But now we have this measure being offered on the other side of the aisle.

I want the RECORD to be very clear that the extraneous matters on this important Defense bill have not come from this side of the aisle.

Mr. WARNER. Mr. President, I so note that observation.

May I inquire of the Senator from North Dakota: Is the parliamentary situation on his amendment now clear?

Mr. DORGAN. Mr. President, in response, my amendment would be a second-degree amendment offered to Senator BROWNBACK, but that second-degree slot, I believe at this moment, is filled by an amendment previously offered by Senator BURNS. I don't quite know how to resolve that, but at some point Senator BURNS' second-degree amendment will be resolved, that second-degree slot will be open, and I will offer an amendment similar to that which we did in the Commerce Committee.

Mr. WARNER. I presume the Burns matter would require a recorded vote, so at this point in time I don't know whether the Senator is willing to use this available time to explain his amendment, although it will not be a pending matter before the Senate.

We will try to resolve the underlying parliamentary situation with regard to both amendments, the underlying amendment and the Burns second-degree amendment, so the Senator will have his opportunity.

Mr. DORGAN. Mr. President, let me take a moment to consult with some staff on our side with respect to the parliamentary situation.

Let me say again, so the Senator from Virginia is clear, and I think he is, this Defense authorization bill needs to get completed with some dispatch. I sympathize with the challenge he and the Senator from Michigan have had trying to move it along. It is not my intent in any way to delay that.

I feel obligated, as I think do others in the Senate, that when Senator BROWNBACK offered an extraneous amendment, that amendment which previously included broadcast ownership limitation issues dealing with the FCC rules, to add that back to the indecency language.

I will consult with our side in a moment and perhaps I can make some comments about it, and if others wish to make comments, we would find a way to vote as soon as the Burns second-degree amendment is disposed of. Let me do some consultation and perhaps I can speak.

Mr. WARNER. That is a reasonable request, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. WARNER. Mr. President, together with the Senator from Nevada,

the Senator from Virginia, in consultation with leadership, presents to the Senate this UC: I ask unanimous consent that at 5:30 today the Senate proceed to a vote in relation to the Warner amendment No. 3458 which is to be drafted as a first degree; to be followed immediately by a vote in relation to the Lautenberg amendment No. 3291; provided that no second degrees be in order to the amendments prior to those votes.

AMENDMENT NO. 3291, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the distinguished chairman allow me to send a modification for Senator LAUTENBERG to the desk prior to this consent being approved.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The modification will be made.

The amendment (No. 3291), as modified, is as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. PROTOCOL ON MEDIA COVERAGE OF RETURN TO UNITED STATES OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.

(a) PROTOCOL REQUIRED.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop a protocol that permits media coverage of the return to the United States of the coffins containing the remains of members of the Armed Forces who die overseas.

(2) The protocol shall ensure the preservation of the dignity of the occasion of the return to the United States of members of the Armed Forces who die overseas.

(3) The protocol shall ensure the preservation of the confidentiality of the identity of each member of the Armed Forces whose remains are returning to the United States.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the protocol developed under subsection (a).

Mr. REID. Mr. President, there is no objection to the consent request by the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the leadership is working with the managers to see what we can do to resolve the question of one of the amendments which is pending before the Senate with regard to matters relating to the Commerce Committee. We see the Senator from North Dakota prepared to speak to his amendment. As soon as we can work out the parliamentary situation, we will proceed to that point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have been given a consent agreement drafted by the staff that is now being vetted with the majority. We should be in a position to approve that shortly which would allow us to handle the underlying Brownback amendment, the Burns amendment, and the Dorgan amendment, which we will offer on a future occasion not too long from now. That should resolve this totally. In the meantime, I think it would be appropriate if the Senator from North Dakota spoke about his amendment.

Mr. WARNER. It would be a valuable use of the time if we were to do so. We encourage that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say again this amendment is not related to the subject of the Defense authorization. The only reason I offer it is because the amendment offered by Senator BROWNBACK, which itself is not related to Defense authorization, was offered last Friday. I indicated when he offered that amendment, which I support, that I would second-degree it, because we second-degreed it in the Commerce Committee, and we merged two issues: indecency and the issue of broadcast ownership rules and regulations.

When my colleague from Kansas offers an indecency amendment to the Defense authorization bill, I don't have much choice except to offer the amendment we offered to it in the Commerce Committee. If this bill is stripped of all extraneous amendments, I will understand that and I will not complain. But if this bill is going to proceed with amendments of the type that came from the Commerce Committee, then I insist it also include the issue of broadcast ownership rules and regulations that were adopted by the Federal Communications Commission.

Let me describe what all this is about with respect to broadcast ownership. The Federal Communications Commission did a rulemaking on the issue of broadcast ownership. They had somewhere around three-quarters of a million Americans, unprecedented numbers of Americans, write and e-mail and send concerns and expressions of their interest to the Federal Communications Commission. Almost all of them said to the FCC: Don't change the rules and regulations with respect to broadcast ownership of properties in a way that injures the public interest.

It didn't matter to the FCC. They went ahead and changed the rules. The way the FCC constructed it, the rules say: It is all right if in your community—let's say you live in one of the biggest cities in America—one company owns three television stations, eight radio stations, the cable company, and the dominant newspaper. That is fine.

Well, it is not fine with me—it is not fine with, by far, the majority of the American people—to see fewer and fewer Americans, no more than a handful, who are going to have control over what the rest of the American people see, hear, and read.

Let me say again what the FCC allowed. In the biggest cities of the country, one company can come in and buy up eight radio stations, three television stations, the cable company, and the dominant newspaper—in many cases, the only newspaper. Why is this of concern? Well, it is of concern to me because we license the use of the airwaves. They don't belong to broadcasters or radio stations or television stations. They belong to the people. The airwaves belong to the American people. We license their use to certain companies in exchange for certain obligations.

One of those obligations that has never and will never be old fashioned is localism. That is not an old-fashioned requirement for broadcasters. So the question is, how do you develop or how do you maintain or how do you have localism in broadcast properties when one company owns, in this case, 1,200 radio stations. Yes, that is the case. One company owns 1,200 radio stations.

We did hearings about all these subjects. Let me tell you about something called voice tracking. This is antithetical to localism. Voice tracking is a process by which a company that owns a lot of radio stations will have someone in a basement in Baltimore, MD broadcasting. And he is broadcasting over, for example, a station in Salt Lake City, UT, saying: It is a beautiful morning here in Salt Lake City. The sun is shining over the mountains. What a great day to wake up in our city.

The problem is, that guy was broadcasting from Baltimore. He was using the Internet to find out that the sun is shining in Salt Lake City. It is called voice tracking. It is fooling the consumers into believing that announcer is there. It has nothing to do with localism or responsibilities of localism.

There is another approach used by television stations. It is called central casting. It is trying to make you believe the news team is from your city when, in fact, it is not. Central casting, voice tracking, these are mechanisms by which the large concentrations of broadcasters are trying to convince people there is localism to their broadcasts.

Some of us believe very strongly that this is moving in the wrong direction. I am not opposed to big because something is big. Good for the folks who are successful. If somebody has two radio stations and buys two more, good for them. If they have eight and buy eight more, good for them. If they have 50 and buy 50 more, I am not going to come here and complain about that. But 1,200 radio stations in the hands of one company? Or television broadcasting stations being gobbled up together under one big ownership group? Is that good for our country, especially in an area where, in most cases, you have monopolies or near monopolies and now this FCC rule says, in addition to all of that, with respect to broadcasting properties, we are going to get rid of that pernicious rule that allows cross ownership of broadcast properties with the newspaper?

At the hearing in the Commerce Committee, I held up a letter that was sent out all across the country by an investment banking company. They said: Get ready, because the FCC is fixing to change its rule, and when they

do, your newspapers can buy up a bunch of broadcast properties. And so they are already.

The FCC rule, fortunately for us, has not yet gone into effect because it was stayed by a Federal court. This issue is now in the Federal court. So there is a stay order. It may well be lifted soon when the Federal court makes its judgment. But that begs for the Congress to make its own judgment to overturn and rescind the FCC rules.

Senator LOTT, Senator SNOWE, myself, and others brought this issue to the Senate floor with something called a veto of an administrative rule. It is called the Congressional Accountability Act in which we have the opportunity to veto a rule by a Federal Agency. It has only been used once. We offered that. And by a very significant margin, we won. So the expression of the Senate already has been to say: We don't support the FCC rule. We believe it should be rescinded. And using the Congressional Accountability Act, the Senate, on a bipartisan vote, said: We don't want these rules to go into effect, FCC, start over and do it right. Well, that Senate vote went to the House of Representatives and it is now sitting at the desk in the House of Representatives 10 votes short. They need 218 votes. They have a letter with 208 signatures on it and they are 10 short and they cannot move.

The Speaker of the House and the administration very much oppose this. They have stymied it in the House of Representatives. My feeling is that the only opportunity we have in a circumstance such as this is to offer an amendment on a bill, such as the Brownback bill—and, incidentally, we are faithful to our determination to move this. We offered the same amendment in the Commerce Committee when Senator BROWNBACK brought up his legislation. We prevailed there.

I support the Brownback legislation and the second-degree amendment that Senator BURNS intends to offer to it as well. I hope the Senate will, once again, support my second-degree amendment once the amendment by Senator BURNS is disposed of.

We had testimony before the Senate Commerce Committee, and I don't remember the fellow's name. He testified two or three times. He owns a pretty big broadcasting company in one of the States south of here. He explained the problem with the growth and concentration in broadcasting. He said: I own a good television station, but I cannot tell the folks from Hollywood or New York what I want to show in my viewing area because if they are sending out a program I think is something I don't want to show, I don't have the opportunity to say we will not show that. I will lose my network affiliate status if I do that. I don't have the capability to make any kind of local decision about this.

Look, I happen to think broadcasting, whether it is radio or television, has some of the most breathtaking, wonderful, remarkable programming; some of it is extraordinary. I also think there are programs that are shabby, trashy, and disgusting. You have both sides of it. I don't know, maybe somebody adds to their cultural interests by tuning in on HDTV and seeing someone eating maggots from a bowl in a contest. I don't know. I would expect that very few find much interest in that. I guess it does achieve some ratings from time to time.

But when you have concentrations of broadcast properties, as has been the case, dramatic increases in just the hands of a few people deciding what the rest of the American people are going to see, read, and hear, I think it ought to be of great concern to the Congress. The FCC rule caved in almost instantly to the big economic interests here.

I know those who own newspapers are upset with the position I take. Those who own broadcast properties are upset with the position I take. But the fact is, this is about the public interest, and the public interest is best served when we decide localism is not old-fashioned. I don't object to some big companies. But I object to circumstances when the big companies are given the green light by the FCC to own almost everything in a community with respect to communications—radio station, television stations, the cable company.

Whatever happened to the market system? The market system is where you have robust competition, broad-based economic ownership. I don't see much of that market system in broadcasting these days. All you see are the gobbling up by big interests.

It is interesting, we now have a 35-percent ownership cap on national viewing by the major television networks, in terms of the number of stations they can own, which has now, as a result of last year's omnibus bill, gone to 39 percent. It used to be 25 percent.

In fact, in 1996, when we had a bill on the floor called the Telecommunications Act, we had a prohibition on owning television stations beyond 25 percent of the national audience. That new bill took 35 percent. I came to the Senate floor in 1996 and offered an amendment to take it back to 25 percent—the national ownership cap—with respect to one company. It is interesting, we debated that about 4 o'clock in the afternoon and then we had a vote. It turns out I won the vote. Senator Dole, with a pretty substantial opposition on the floor of the Senate when he wanted to be, was on the other side. So we had a vote on broadcast ownership limitation and I won, I think by three or four votes. I thought that was extraordinary, to win a vote like that. Then I believe Senator D'Amato, as the vote was coming to an end, changed his vote to be on my side, the prevailing side.

I knew something was wrong, but I didn't know what until 4 hours later. What had intervened 4 hours later was dinner. Apparently, there was some epiphany over dinner for four or five Senators, who came back, and there was a motion to reconsider; these Senators who had had some glorious meal, which apparently infused them with a different wisdom, changed their vote and it turned out I had won only for 4 hours. That happens around here. You can win big and long but sometimes not permanently. That was the case in 1996.

I express that to say this is not a new issue with me. I have been concerned about this concentration of broadcast ownership for a long while. What the FCC has done is compounded the problem. Not only are we saying ''Katey bar the door,'' whatever you want to buy, buy it, but we will add to the mix the newspapers. While you are buying each other up and playing these monopoly games, throw in the newspapers as well. We don't care very much. That is the message from the FCC.

Fortunately, the Senate has sent a different message. We already voted on this subject and expressed our interest that the rules crafted by the Federal Communications Commission are completely out of sync with reality and ought to be rescinded. That was a big vote in the Senate. There was no reconsideration. We had to come back and lose that one. Senator LOTT and myself and others spoke in support of overturning those rules. That is stuck in the House because the Speaker will not allow a vote on it. We are going to have to find a way, in whatever expression we can, to advance this issue.

Because Senator BROWNBACK brought to the floor a bill that used to include this amendment when it came out of the Commerce Committee, but is not what he offered on the floor, I am required to offer this amendment to the Brownback amendment. I will offer it in the second degree.

My understanding is, while there is already a second-degree in the form of Senator BURNS' amendment, when I offer this at the end of my presentation, the second-degree I will offer will be able to be disposed of when the amendment of Senator BURNS is disposed.

I support the Brownback amendment and the Burns amendment. If anybody can understand all that, they are perhaps better than I am. I say to the Senator from Virginia, I would like us to finish this Defense authorization bill and deal with these issues. I encourage the Senator to accept all three of these amendments and take them to conference.

If I might get the attention of the Senator from Nevada, Senator REID, I think we will need a unanimous consent request prior to my formally offering a second-degree amendment, since there is already a second-degree amendment in the slot. But having already spoken on this, I don't need to speak further. Perhaps Senators SNOWE, or LOTT, or others wish to speak in favor of the amendment. I will rely on the Senator from Virginia and

the Senator from Nevada to offer my amendment at the appropriate time when the consent is agreed to, and then mine would be disposed of following Senator BURNS' second-degree amendment.

Mr. WARNER. Mr. President, I think the Senator's understanding coincides with that of myself and the distinguished Senator from Nevada. In due course, several parties who have an active interest in not only the parliamentary situation but the substance are soon to arrive in the Senate. We have to wait a bit.

Mr. DORGAN. There are some interests, of course, outside of the Chamber that would not want this amendment to the Brownback bill. I want to make sure we have an understanding that I get the opportunity to do this. Otherwise, I have a much longer statement that I would be prepared to make. My preference would be to leave it at this and to simply get this pending as soon as possible.

Mr. WARNER. Mr. President, we understand. A Senator asked for a few minutes of morning business and then I would be prepared to engage with Senator BINGAMAN on his amendment, if that is agreeable.

Mr. REID. Mr. President, will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. REID. The Senator from New Mexico is here to offer his amendment. The Senator from Minnesota, Mr. DAYTON, is on his way to offer his amendment. We also have the missile defense amendment to offer, and he indicated he would be happy to do that today. So we have a lot to do.

I was looking at my BlackBerry, which is giving this information, which is the reason we are here today:

Four U.S. servicemembers were killed Monday, shot repeatedly in the head during an ambush while they were on patrol in the Sunni Muslim stronghold of Ramadi. On Sunday, two servicemen were killed and 11 injured in an ambush on the road to the airport.

That is what this is all about today.

We ought to move this bill along, not only as quickly as we can, but with as much quality as we can. This is an important piece of legislation. We certainly understand that in 2 days, six Americans were killed in Iraq. We only know of 11 wounded, but I am sure a lot more than that were wounded. Each person in the Senate understands the importance of this legislation. We are reminded of that every day when we see news such as this.

Mr. WARNER. Mr. President, I thank my colleague for bringing up that point. I, too, am concerned, as is every Member of this body, about the daily, weekly loss of life and limb by our brave men and women in the Armed Forces. As the Senator says, this is their bill. That is what it is. It is their bill, whether they are privates or generals or admirals.

Might we accommodate the Senator from Ohio?

The PRESIDING OFFICER (Mr. CHAMBLISS). The distinguished Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair, and I thank my colleague from Virginia.

UPDATE ON DARFUR

Mr. DEWINE. Mr. President, several weeks ago, I came to the floor to talk about the crisis in Darfur, Sudan, where it is estimated at least 30,000 people have already been killed and 1 million people—maybe even 2 million—have lost their homes, have been driven from their homes in a government-led campaign of ethnic cleansing. To get a better idea or another way of looking at this, it is estimated that in this government-led campaign of ethnic cleansing, 341 villages have been completely destroyed, and 99 villages have been partially destroyed. It is also estimated these villages are, on average, made up of 4,000 or 5,000 people to a village. I think my colleagues can understand the gravity of this crisis.

Many of these individuals are now homeless. Those who have not been killed have fled, and many of them are in refugee camps. The looming crisis is absolutely unbelievable. This is clearly the world's greatest crisis today.

The Government of Sudan announced this past weekend it intends to disarm the militia responsible for these atrocities and present them to justice. We can only hope and pray what the Government of Sudan says is now correct. The Government of Sudan has made similar statements in the past that have turned out not to be true. The Government of Sudan has made similar statements in the past. For example, it is OK for refugees to return to Darfur, all at the same time their very own government planes were locating villages for the militias to attack. In addition, there are still 1 to 2 million people still in need of humanitarian assistance.

We do not need promises from the Government of Sudan. What we do need, though, is action. That is why I am back on the floor today to outline what we need to see accomplished in Darfur.

First, we need to see that the Government of Sudan is allowing unfettered access to humanitarian aid. This means granting visas and travel permits in a timely manner, not just to U.S. Government agencies, but to all of the groups trying to help deal with the humanitarian crisis that exists today in Darfur.

If one truck or one pallet of supplies is unreasonably delayed, the Government of Sudan must be held accountable. The Government of Sudan must know the world is watching and that we will not accept anything short of their full cooperation.

Second, the recent decision to disarm the militias needs to be accompanied by a plan to prosecute those guilty of ethnic cleansing and genocide. The ranks of the government and military branches in Sudan need to be searched, and those guilty of participating in the ethnic cleansing need to be prosecuted. Competent tribunals need to be established and justice served in Darfur. An unjust peace will provide no peace for Darfur.

Third, the Government of Sudan must prove they have a long-term plan to ensure that these atrocities simply will not continue. That is why it is essential we dedicate the resources necessary to ensure a robust African Union monitoring mission in Darfur. The Darfur region is the size of Texas and, therefore, a handful of monitors simply will not be enough to ensure that the killing and violence has stopped. We must be committed to this in the long haul and the Government of Sudan must be as well.

Until such time as the Government of Sudan accomplishes all of these things, we should not relieve any of the pressure we have put on them, and neither should the international community. The pressure is beginning to work, but it must continue. Therefore, I believe the United Nations Security Council must pass a resolution authorizing peacekeepers for Darfur. If the Government of Sudan is serious about ending this conflict, then they have no reason to object to U.N. troops monitoring the cease-fire and ensuring that the humanitarian aid flows. If the Government of Sudan objects to peacekeepers, we will know their promises were not serious. This is a litmus test and the world will be watching.

We also should expect the U.S. Department of State to move forward in naming names of militia members and Sudanese Government officials involved in the killings and atrocities. We must do everything in our power to ensure that the guilty are punished. For the women who are raped and then branded, for the children who were slaughtered, and for the 30,000 who were killed because of the color of their skin, we must ensure that justice is served.

I closed my speech last time talking about time and about how our window of opportunity was closing. Nothing has changed. We still face the worst humanitarian crisis in the world, and 2 million people are counting on us. If we are serious after the horrible tragedy a decade ago of Rwanda, if we are serious that we will never again allow genocide to go unpunished, if we are serious that we will not allow this to happen again, we cannot lose our focus. The Government of Sudan must know we are still watching, that we will continue to watch, and that nothing short of complete compliance will deter us from helping the people of Darfur.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it is very important to keep in focus what Senator DEWINE spoke about. There has been much too little focus by all of us on this subject. The leadership of Senator DEWINE in reminding us of what is going on is critically important, and I thank the Senator for it.

For close to two decades, the nation of Sudan has been ravaged by a civil war that has claimed over 2 million lives. This civil war, which is the longest running conflict in Africa, shows few signs of abating as many efforts to negotiate peace agreements or ceasefires have failed. What is particularly troubling is the fact that this conflict has shifted and spread to the Darfur region in Western Sudan.

Historically, this civil war has pitted Northern Sudan, which is largely Muslim, against those in the south who are predominately Christian or animist. The conflict is not only religious in nature; while setting those who would force a program of Islamization upon the entire nation against unwitting supplicants, this conflict also draws upon disputes over oil, water rights, and the future shape and form that Sudan will take as a nation.

Given the nature of this conflict, the recent announcement by the Government of Sudan that it would disarm the Janjaweed—militias supported by the government of Khartoum—is a welcome sign. The ethnic cleansing undertaken by the Janjaweed has claimed tens of thousands of lives and has created over a million internally displaced persons as well as hundreds of thousands of refugees who have fled across the border to Chad.

Furthermore, the United Nations has noted that the conflict in the Darfur has claimed over 30,00 lives. according the International Crisis Group, as many as 350,000 more lives will be claimed in the next 9 months if conditions do not improve. It is imperative for the international community to take clear and decisive steps to halt the violence and to provide humanitarian aid to refugees and displaced persons.

The Government of Sudan has a long history of denying aid to those in need. Their tactics have been developed through decades of practice and have included refusing to allow U.N. chartered planes with relief goods to land in Sudan as well as instituting delays for trucks carrying relief items. Camps that serve as home to over a million Internally Displaced Persons are in woeful condition, and only exacerbate the spread of disease and illness. It is imperative that medical supplies and foodstuffs become available immediately. Further delays only mean that more lives will be lost. Just as there cannot be a delay in the distribution of aid, the international community must take steps to provide the needed funds for this aid. The United Nations initially appealed for over $170 million in aid for Darfur and Chad. Only $50 million, the bulk of which has been provided by the U.S., has been provided while the amount of funds needed has increased to $250 million.

Food and medical aid can save lives immediately, yet steps must be taken to ensure that a lasting a sustainable peace can be reached. To that end, rebels must be disarmed. Given that these rebels operate with the approval and support of the Sudanese Government and military, this is an undertaking that can occur immediately if the political will to do so can be mustered. Disarming the rebels is a good step, but it is not sufficient. The rebel groups cannot be subsumed into the military and police forces. All those involved in the perpetration and support of ethnic cleansing must be prosecuted so that justice can be administered.

None of this will occur without the leadership of the international community. Thus far, for two decades, the world had done too little to address this threat. The United States and the United Nations must take steps to ensure that the international community is empowered to effectively and efficiently ensure that a peace resolution is reached and that it is implemented immediately.

Unfortunately, the cry of ''never again'' has been used all too frequently when lamenting the propagation of conscious, deliberative, and genocidal actions. It is imperative that decisive action is taken to help bring peace to Sudan.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I thank the Chair.

(The remarks of Mr. FRIST and Mr. WYDEN pertaining to the introduction of S. 2551 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are awaiting, and there is diligence on the other side in every respect, either the amendment of Senator DAYTON or the amendment from Senator BINGAMAN. We have given them our second degrees in each case, which are now being studied. Until such time as one of the managers on the other side or these Senators appear, 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. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2459

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3459.

Mr. BINGAMAN. 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 require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of persons held by the Department of Defense for more than 30 days and on the facilities in which such persons are held.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department for more than 30 days during the 6-month period ending on the date of such report, including the following:

(A) The total number of such detainees in the custody of the Department at any time during such period.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees in the custody of the Department as of the date of such report.

(D) The total number of detainees released from the custody of the Department during such period.

(E) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(F) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period.

(2) For each foreign national detained by the Department of Defense during the six-month period ending on the date of such report the following:

(A) The name.

(B) The nationality.

(C) The place at which taken into custody.

(D) The circumstances of being taken into custody.

(E) The place of detention.

(F) The current length of detention or, if released, the duration of detention at the time of release.

(G) A categorization as a military detainee or civilian detainee.

(H) The intentions of the United States Government on such detainee, including whether or not the United States will—

(i) continue to hold such detainee with justification;

(ii) repatriate such detainee; or

(iii) charge such detainee with a crime.

(I) The history, if any, of transfers of such detainee among detention facilities, including whether or not such detainee been detained at other facilities and, if so, at which facilities and in what locations.

(3) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) FORM OF REPORT.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment that would require the Department of Defense to provide to the appropriate committees of the Congress—that is the Armed Services Committee Senator WARNER chairs here in the Senate, the Armed Services Committee in the House, and the two Intelligence Committees of both the House and Senate—a report related to those prisoners they are detaining and that they have had in detention for at least 30 days.

Some could characterize this as the anti-ghost-prisoner amendment. This is an effort to be sure Congress has the basic information it needs to exercise oversight of the Pentagon, of the Department of Defense, with regard to detainees anywhere in the world. The effect of the amendment would be to require that the report advise the committees on who these people are, what is their nationality, where are they being detained—in which facility, that is—and whether the Department of Defense intends to keep them, has justification for intending to keep them in detention, intends to repatriate them to their home country, or intends to charge them with some crime and prosecute them. Those are the obvious choices. If there are others my colleagues could suggest, I would be glad to add those to the language of the amendment.

The idea is the committees of the Congress with jurisdiction in this area should have some knowledge about the extent of the detentions we are engaged in, our Department of Defense is engaged in. The amendment as I have drafted it calls for this report to be made every 6 months so the Congress could exercise a meaningful oversight.

You could say, What has prompted this kind of amendment? There are a lot of accounts in recent days in the news that have prompted it. I think many people have probably noticed some of these news accounts. There was an article in the Financial Times on Saturday. ''Guantanamo Prisoners Wrongly Held'' is the headline. Then the body of the article says:

The U.S. released more than two dozen prisoners from Guantanamo Bay earlier this year after Pentagon lawyers determined that some had been detained wrongly for as long as 2 years.

It goes on in another paragraph of the same article:

But the Financial Times has learned that in January the Pentagon sent a team of lawyers to Guantanamo to examine whether there was sufficient evidence to justify some of the detentions.

Then it goes on and says:

The Pentagon team's recommendation that in several cases there was insufficient evidence to justify their imprisonment alarmed the White House because of the need to persuade the Supreme Court of the legality of the detentions.

That is one article which obviously raised concerns. Frankly, what raised concerns, at least for me, was the various articles recounting the statements by the Secretary of Defense to the effect that he had directed the appropriate information as to at least one prisoner and perhaps several be withheld from the Red Cross. It is required to be given to the Red Cross under the Geneva Conventions. He had ordered that it not be given to the Red Cross at the request of the head of the CIA. This is the so-called ghost prisoner phenomenon we have been reading about in recent days.

About 10 months ago I offered an amendment here on the Senate floor to try to require a report from the Pentagon, and from the Department of Defense, on that category of prisoners whom the administration has designated as enemy combatants.

Unfortunately, that amendment failed. Many of my colleagues voted against it.

Senator STEVENS made a representation on the Senate floor that the Intelligence Committee has access to information about enemy combatants, including the names of who is being detained. It says the Red Cross is fully engaged in this information.

I tried, frankly, over a period of several weeks to find out if that was the case. My first information was the Senate Intelligence Committee did not have that information. I am now informed they do have the information but that it is classified in such a way that only the chairman and the ranking member of the Intelligence Committee have access to it.

I believe as Members of Congress who have responsibility of oversight of the executive branch it is appropriate that at least the appropriate committees get the same basic information about these detainees that we are required under the Geneva Conventions to give to the Red Cross. I don't know why information should be provided to the Red Cross that the Congress itself shouldn't be entitled to.

I hope my colleagues will agree both that we should provide the information to the Red Cross as the Geneva Conventions commit us to provide since we are signatories to the Geneva Conventions, and second, that Congress should be entitled to the same basic information.

I have asked in my amendment which I have sent to the desk for some additional information—information that the Red Cross is not entitled to under the Geneva Conventions.

The main thing I have asked for, frankly, with regard to the detainees is the Secretary of Defense advise the appropriate committees of the Congress as to what the intention of our Government is with regard to these individuals. Do we intend to maintain them in detention? Do we have justification to do so? Do we intend to repatriate them to another country? Or do we intend to charge them with a crime?

It seems to me that is an appropriate request for us to be making.

I have been embarrassed—as I believe many in the Congress have been—at the revelations about treatment of prisoners. I have also been surprised at the revelations about the extent of the detentions we are engaged in, particularly in Iraq but also in Afghanistan, and the number of people we seem to have in custody.

I think it is entirely appropriate that the Congress try to exercise some type of oversight on an ongoing basis to ensure that basic human rights are respected, and that the standards we have committed to in the Geneva Conventions are, in fact, being adhered to.

I think this is a very straightforward request. It does nothing but require a report every 6 months.

I know my colleague and former chairman, Senator WARNER, has had some concerns about the particular aspects of this amendment and has come up with an alternative which he would like to offer and put before the Senate as well as a second-degree amendment.

I would be happy to engage in some serious discussion about the particular provisions of my amendment as well as the second-degree amendment Senator WARNER has indicated he desires to offer. But, as I say, I think the basic bottom-line position I am taking is there is no reason Congress should be denied information which we are otherwise providing to the Red Cross.

There is certainly no problem if the Department of Defense believes this information needs to be held confidentially in classified form. My amendment provides for that. It is their determination. If they think this has to be classified, they can classify it. They can put portions of this report in a classified annex. But to say Congress should not get the information at all I think is not an appropriate response.

For that reason, I hope my amendment will be agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3460 TO AMENDMENT NO. 3459

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3460 to amendment number 3459.

Mr. WARNER. 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of detainees held by the Department of Defense and on the facilities in which such detainees are held. The report may be submitted in classified form.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department as of the date of such report.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees released from the custody of the Department during such period.

(D) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(E) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period, and the identity of each such country.

(2) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. WARNER. Mr. President, let me first say I think our colleague has brought to the attention of the Senate through his amendment a very important subject. It is my hope and expectation that we can eventually have a meeting of the minds. I don't take great joy in putting a second-degree amendment up on important subjects such as this, but I felt it imperative so we can frame for our membership what I perceive as a very conscientious presentation by the Senator of a set of goals in which I concur with two-thirds of the Senator's objectives. But where I ask there be a reservation, those reservations are of such severity that I am compelled to put in the second-degree amendment.

I would like to walk through the amendment which the distinguished Senator put forth page by page.

The first section says:

Reports on matters relating to detainment of prisoners by the Department of Defense.

Ordinarily, a report is something we are happy to grant a colleague. But in this instance, I will point out where my concerns are. First:

Reports required. Not later than 90 days after date of enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of the Congress a report on the population of detainees held by the Department of Defense and on the facilities in which detainees are held.

That is, have been held more than 30 days.

My understanding was originally it didn't have that, and 30 days to me is reasonable. The Senator also added that the report can be submitted now in classified form. Again, that is a very essential improvement.

But we then continue:

(b) Report Elements. Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department . . .

I think that is an important fact, and I simply say ''as of the date of such report.'' I think that should be something which would be acceptable to the Senator.

Section (B) we leave standing.

The countries in which such detainees were detained, and the number of detainees detained in each country.

That is acceptable.

Section (C) we take out simply because we modified (A) to state as of date of such report, and I think (C) is cared for by modifying (A) with date of such report.

Then we drop down:

The total number of detainees released from the custody of the Department during such period.

We accept that fully.

(D) The nationality of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

That, too, seems to us to be fine.

Then section (F)—no objection there. That says, ''The number of detainees covered by subparagraph (A) that were transferred from jurisdiction of another country,'' so you can track them.

The Senator modified the original amendment. I am working from the original to show to date how much we have had meeting of the minds.

The Senator took out section (G). I will not trouble to talk about it.

We take out subsection (2). That is subsection (2) of the first paragraph of the amendment, report elements under (b).

As drafted, we delete for each foreign national detained by the Department of Defense during the 6-month period ending on the date of such report: No. 1, the name of the individual; No. 2, his or her nationality; the place at which they were taken into custody; the circumstances of being taken into custody; the place of detention; the current length of detention, or at least the duration of detention at the time of release. And on it goes.

Here is the problem. That bit of information, even though it were classified, were it ever to leak out—and regrettably, we know things of this nature will happen from time to time—it would be devastating because the enemy would know a great deal about custody and what we are trying to do with those individuals.

It seems to me there is far greater benefit to an enemy in such engagements as we must take prisoners than it would be of benefit to the legislative body to monitor that prisoners are properly being cared for. For example, the Durbin amendment we had the other day goes to potential abuses. That has been accepted. It is a major step forward to codify prohibitions against abuse of prisoners. We are all troubled by that.

To have in the custody of the Congress this type of information, even though it is locked up in S–407, or wherever it may be, potentially there is a document that could do great harm to our ability to conduct military operations during which we obtained detainees.

Then there is the following paragraph:

(3) Information of the detention facilities and practices of the Department for the six-month period ending the date of such report, including for each facility of the Department at which detainees were detained. . . .

That is fine.

(A) The name of such facility.

(B) The location of such facility.

We have no objection to that. In fact, the entire next page of the amendment, we accept. We come to the conclusion of the amendment and no further objections. It simply is to the creation of a document that would have such detailed information that is not essential to the Congress in our oversight of these detention facilities and the practice of detention, and if that document would ever get out, it would be a devastating blow to the intelligence system, to giving the information to the enemy, who we have among their presumably lost and missing persons, and the like.

I urge my colleagues, this is something we should scrutinize carefully. I have framed it in such a way that colleagues will have to decide whether it

is a second-degree amendment that prevails or the underlying amendment that prevails.

Therein, with the exception of one other mention just this morning, the committee staff, the majority and the minority, were briefed on this document. It roughly looks to be 30 pages of unclassified material entitled ''Department of Defense proposed''—just being proposed at the moment—''administrative review of the detention of enemy combatants at Guantanamo Bay, Cuba.''

This is one of our facilities. The Secretary of Defense has established administrative review procedures to determine annually if enemy combatants detained by the Department of Defense at the U.S. Naval Base at Guantanamo Bay should be released, transferred, or continue to be detained, and so forth.

Much of it parallels what the Senator has in mind. I am confident after this morning's briefing the Congress will make several edits. I encourage the distinguished ranking member to engage our colleague, Senator BINGAMAN, a former member of our committee, to look at it also and see how we can improve and strengthen this. So this will soon be in effect.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Would my colleague yield for a question?

Mr. WARNER. I yield.

Mr. BINGAMAN. I appreciate the cooperative approach my colleague has taken. I greatly respect his judgment on many of these matters.

First, on the issue of whether revealing the name and identity of these people is a major security threat, we have obligated ourselves under the Geneva Convention to do exactly that with regard to information we are going to turn over to the Red Cross for every prisoner of war we take into custody.

The specific language in part V of the Geneva Conventions talks with respect to each prisoner of war:

> . . . the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

That is what the Geneva Conventions requires.

Could we explore the possibility of just saying that the appropriate committees of the Congress should be entitled to the same information that we have committed ourselves to provide to the Red Cross with regard to all detainees?

Mr. WARNER. Mr. President, that is a very good question. I will take a few minutes to answer. It deserves a very considered answer.

I have thought this through. It is interesting, coincidentally over the weekend I dealt with the Department of Defense. I did not have a chance to brief my distinguished ranking member yet on the question of the Red Cross's participation in our situations, both in the Afghanistan detention facilities and the Iraqi detention facilities. I am speaking for myself.

I am very concerned about those problems over there. Our committee had several hearings on it. The issue comes up, as it should. It came up in the Judiciary Committee the other day, about the role of the Red Cross. I have learned a great deal about that role in a short period of time.

I had some familiarity when I was Secretary of the Navy and during the Vietnam conflict. The Secretary of Defense was at that time—I have served under three of them—Secretaries Melvin Laird and Jim Schlesinger. They were very conscientious about working with the Red Cross.

The Red Cross has done a remarkable job in this very difficult area, going into these prisons, monitoring them, and going back to the government host of the prisons and making corrections and trying, in some instances, to benefit the incarceration detainees in terms of their individual personal status.

The success of that program has been dependent on the absolute sanctity of that material and the fact that the observations of the Red Cross have not gotten into the public domain. We are working with the Department of Defense now, such that the Senate can be given the benefit of the Red Cross inspections in our facilities in Afghanistan and in Iraq. It will be my recommendation to the committee that we will have it in a classified briefing. But we are not, hopefully, going to retain any of those documents in the Senate.

Were that material to get out in some manner, we are told by the Red Cross, it would seriously limit their ability to do this magnificent work they do all over the world. If some nations—and only in a classified forum can I give those names—but some nations that now allow the Red Cross in to get information and to hopefully provide corrections to prisoners' treatment, if that had gotten out, that is the last time the Red Cross would get into that country to examine those prisons.

So we come down to the very basic fundamental issue about those detainees, whether they are in the United States or wherever they are in the world in these prisons, the Red Cross is helping in many instances. But they say if the information they write up and send back to the host country of the prisons gets into the public domain, forget it; they will be precluded from going on. So we would face a similar situation.

It is very difficult for me, one who has been privileged to be in this body now my 26th year, to just say I am concerned that some material in classified form in the possession of the Senate could get out. But, regrettably, whether it got out from under the Senate or got out from another source and that source would then blame the Congress for leaking it—I don't know, we have all been through the leak scenario—it leads to a never-never land in this Government of ours.

But I urge that we consider this very detailed information which our colleague is seeking. The amendment in the second degree, which I am perfectly willing to withdraw to the extent we can come to a resolution and make it your first-degree amendment and no second—I believe we have to observe the practices with regard to this detailed information you are seeking.

Mr. LEVIN. I wonder if the Senator will yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. This is really a question for the sponsor of the amendment. I say to the Senator, I understand what you have just suggested is that the information which we provide to the Red Cross be shared with Congress, not that the information which the Red Cross gives to us be shared with the Congress; is that correct?

Mr. BINGAMAN. Mr. President, in answer to the question, that is exactly right. It is not my suggestion that the Red Cross reports on conditions in prisons or anything else be provided to us. All I am saying is if our Department of Defense turns over information to the Red Cross—as it is required to do under the Geneva Conventions—we ought to have access to that.

Mr. WARNER. Fine.

Mr. BINGAMAN. Even in classified form, Congress ought to be able to know as much as the Red Cross knows about who we are detaining in our facilities.

Mr. WARNER. Mr. President, I do not disagree in how you frame the issue, but I maintain my stance. Let me parse it very carefully. I say to the Senator, you are saying that what we give the Red Cross—not what the Red Cross comes back and tells us we are doing right or wrong—what we give to the Red Cross can be shared with Congress?

Mr. LEVIN. That is the question by the Senator from New Mexico. It seems to me that makes good sense.

Mr. WARNER. Here is where I respectfully differ. If the information we give to the Red Cross were to leak out, then other nations that are similarly following that practice will see this is now in the public domain and say: We are stopping, Red Cross, because we see it has gotten into the public domain of another country. Therefore, we don't want that to happen.

Mr. LEVIN. If the Senator would yield—and I guess I have the floor, but, in any event, this information the Senator from New Mexico is talking about is information we have which the executive branch has. Now, I believe the fear the Senator from Virginia just expressed is not that the Red Cross would leak it—because they do not——

Mr. WARNER. No.

Mr. LEVIN. They have proven they do not leak the information. They perform—I agree with the good chairman—a very valuable service as to what they do. But what it seems to me the chairman is saying is there is less confidence the legislative branch will protect the classification of this material than the executive branch will protect it. I do not think we can accept a premise that we are more likely to leak classified information here in the Congress than the executive branch is likely to leak it. As a matter of fact, recent history——

Mr. WARNER. Mr. President, I say to the Senator, I concede your point. You need not deliberate further. Fault lies on both sides, both branches of Government. All I am saying is—and I am informed by those who have greater knowledge about the procedures of the Red Cross than I; and I don't know whether it comes out of the executive branch or the Congress—further distribution of this information beyond one branch of Government to another branch of Government does increase the likelihood that somehow it gets out. And it will deal the Red Cross a very serious blow, I am told.

Mr. LEVIN. I wonder if the Senator from Virginia would consider this possibility as we explore ways of bridging the differences; and I, like our good friend, Senator BINGAMAN, very much appreciate, as always, the chairman's willingness to look for common ground. It seems to me the one sensitive area the executive branch has and that is in this amendment has to do with the name of the person.

For instance, it seems to me, if there is a number which is assigned to every prisoner—which I understand is true for every prisoner of war, every enemy combatant, or every civilian, for that matter, who is held in detention—it seems to me, if the number is given rather than the name, the rest of this information is very appropriate and will help in the oversight process.

The failure, it seems to me, to make clear to the world that we are going to abide by international conventions and that we are going to make sure our people are treated properly by our treating other people properly, that failure has cost us greatly. The purpose of the Bingaman amendment is clearly to get us back on track in terms of what our responsibilities are by giving Congress the ability to perform our oversight responsibility.

We do not have that ability now. We do not have this information. Without this information, we cannot perform the essential oversight which has been missing here, and I believe if it had been in place early enough perhaps it would have persuaded the administration to get back on course earlier than it has been persuaded.

But my specific question to the chairman would be—and I have not consulted with the sponsor of the amendment; I don't know whether he would be in an accepting mood—but if the number of the prisoner or the civilian who is being detained were substituted for the name, would that have the same problem?

Mr. WARNER. Mr. President, in other words, rather than the individual's name, that his number is No. 224—whatever it is? I would have to defer until I go to the heart of the experts. All I know is that the name—if we are detaining certain individuals and the enemy does not know whom we have captured, and they, therefore, have to shelve some of their plans, knowing that the persons who are missing from their roster, if they were to talk about the plans, they would make the plans less valuable to the enemy—I mean, I am just working through the obvious scenarios here.

Now, whether a number would suffice, I would like to go back to those who are dealing with this on a daily basis.

Mr. LEVIN. When the chairman does that I would perhaps propose that one other consideration be looked at, and that is, I understand we are obligated to provide the names to the Red Cross now, and those names go back to the families in order that the families can find their loved one, if that loved one is alive, or that brother, or father, or whoever. Now, I may be wrong in that, but it seems to me the purpose of the——

Mr. WARNER. Mr. President, it is interesting, over the weekend I had the opportunity, I say to my distinguished colleague, to visit the Department of Defense, and I was greatly impressed with an individual, who was a Member of the U.S. House of Representatives a decade or so ago, who is in charge of it. I will seek to have him come over right away and provide both sides with the expert to propound these questions. They are good questions. Let's see what we can do to work this thing out.

Mr. LEVIN. I thank the chairman. I believe we ought to try to work this out. This is really moving in an essential direction for our Nation and our troops. I commend the Senator from New Mexico for his leadership and thank the chairman. I think maybe we ought to lay this amendment aside temporarily. I do not know if——

Mr. REID. Mr. President, if the two managers will yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator DAYTON is here to offer his amendment. He is going to take about 20 minutes. It is my understanding Senator MCCAIN or someone on his behalf will second degree this amendment. Following that, Senator HARKIN is here ready to offer a second-degree amendment to the Durbin amendment. That will be offered on behalf of Senators Harkin and Hatch, dealing with supplements.

Mr. WARNER. Yes. Mr. President, I think all that can be accommodated, so I join in the request at this time to lay aside the pending amendment in the second degree and the underlying amendment by our distinguished colleague from New Mexico and to then let the other Senators seeking recognition have the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3197

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the committee and others for setting aside their amendments, and I call up amendment No. 3197.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself and Mr. FEINGOLD, proposes an amendment numbered 3197.

Mr. DAYTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike sections 842 and 843)

Beginning on page 172, strike line 11 and all that follows through page 176, line 21.

Mr. DAYTON. Mr. President, my amendment strikes two sections of the bill, sections 842 and 843, which relate to ''Buy America'' and the Berry amendment, which are features that have been in existing law for quite a number of years to strengthen our national defense and our national economy.

This bill authorizes $422 billion for national defense programs for fiscal year 2005, a sum that doesn't even include the funding for ongoing operations in Iraq and Afghanistan. If you include those additional amounts, our national defense spending for the next fiscal year will be almost $500 billion.

Mr. WARNER. Mr. President, will the Senator yield for the purpose of allowing me to put a second-degree amendment at the desk so our colleagues can then begin to examine both as this very important debate is underway?

Mr. DAYTON. I yield to the chairman.

AMENDMENT NO. 3461 TO AMENDMENT NO. 3197

Mr. WARNER. Mr. President, I send to the desk, on behalf of Senator MCCAIN, an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself and Mr. WARNER, proposes an amendment numbered 3461 to amendment No. 3197.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To perfect the matter proposed to be stricken)

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2539c. Waiver of domestic source or content requirements

''(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) in a foreign country that has a Declaration of Principles with the United States;

''(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

''(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

''(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

''(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

''(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Sections 7309 and 7310 of this title.

''(4) Section 2533a of this title.

''(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

''(i) DECLARATION OF PRINCIPLES.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

''(A) harmonization of military requirements and acquisition processes;

''(B) security of supply;

''(C) export procedures;

''(D) security of information;

''(E) ownership and corporate governance;

''(F) research and development;

''(G) flow of technical information; and

''(H) defense trade.

''(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

''2539c. Waiver of domestic source or content requirements.''.

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

Mr. WARNER. I thank my colleague for his courtesy. We now undertake a very important debate on this subject.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, we are going to spend, in the next fiscal year, some $500 billion. That is a half trillion dollars, a huge amount of the taxpayers' money; in fact, about one-fourth of all the money the Federal Government will spend for everything next year, including Social Security, Medicare, health care, and education.

The purpose of these expenditures is to strengthen our national security for now and the future. The six priorities that were approved by the Senate Armed Services Committee, of which I am proudly a member, along with the Presiding Officer and others, reported in the bill before us unanimously by the committee, include such measures as combating terrorism and winning the global war against terrorism, supporting our military operations in Iraq and Afghanistan, to sustaining the readiness of our Armed Forces to conduct the full range of military operations against all current and anticipated threats.

It goes on to state: Another object is modernizing and transforming our Armed Forces to successfully counter future threats. So we need to spend this money on the immediate needs and missions of our military and support the phenomenal job they have been doing on our behalf around the globe, but we also need to try to anticipate the future. That is difficult, but it is also important. It requires us to look at the big picture, at the global picture, and into the years and even, if possible, the decades that lie ahead. It means we don't want to do something now that is expedient or briefly beneficial that will have negative consequences for us in the future.

Ideally, we want policies that strengthen our country now and in the future. That has been the compelling reason for the so-called ''Buy American'' requirements of the Department of Defense, the military branches, and all other Federal agencies for the past 70 years.

''Buy America'' came out of the depths of the Great Depression. Buy America to strengthen America is really what it should be called. Buy America to strengthen America—that was the reason, the purpose, and it has been the result for seven decades. However, the law has always provided for exceptions, exceptions that essentially give, as they should, the full authority to the Secretary of Defense to waive domestic purchase requirements whenever necessary to provide our Armed Forces with equipment, weapons, clothing, food, or anything else that is not available in the United States, that could not be produced or provided in this country when it is needed, that lacks the quality or features or advantages, or that is not priced competitively with non-U.S.-made products.

So the law has essentially said: Try to buy American, but if you can't or you shouldn't, then don't. It has worked for almost 70 years, through 11 different administrations—six Democratic, five Republican—until last year this administration and this Senate shredded that bill. That shredding was reduced to a few slices by the strong opposition of the House conferees, led by the House Armed Services Committee chairman.

We in this body are exceedingly fortunate to have the chairman of the Senate Armed Services, who is unparalleled as a leader and public servant. Last July, I traveled to Iraq with the distinguished chairman of the Armed Services Committee, the senior Senator from Virginia, Mr. WARNER. We went through the country with 115-degree temperatures. I struggled to keep

up with him as he charged fearlessly into every perilous situation. He is in every respect—leading that committee, here on the floor, or out in the field around the world—one of the most outstanding leaders and pubic servants I have ever met anywhere in my walk of life.

I also greatly admire my colleague and friend, the senior Senator from Arizona, Mr. MCCAIN, whose military experience and expertise and whose devotion to his country and his service to it are all remarkable.

However, on that occasion last year regarding ''Buy America,'' I thanked our Founding Fathers for the wisdom of bicameralism. And I must respectfully but strongly again disagree this year with the Senate bill's provisions that would effectively destroy ''Buy America'' by its exceptions to it.

If we pass the legislation that is before us now with the language in it, the second degree to my amendment that has been put down today, we might as well eliminate the entire ''Buy America'' statute as it applies to the Department of Defense and the armed services and others that are funded by this bill because that will be the result if this current Senate language if we pass it.

I challenge those in the Bush administration and those in the Senate and those lobbying for the big multinational corporations and for the foreign governments they represent, who truly believe that we will be better off without any ''Buy America'' requirements, or certainly, in the case of the paid lobbyists, who know that they and their clients will be better off without them, and those who believe that for whatever reason, they should just say so and put the repeal before us in black and white and have us vote on that rather than just creating more exceptions and more loopholes that give more foreign countries and the corporations that operate in them more and more of the money from this bill in the products that they buy and the jobs for which they pay, because under this language that exists in the bill now, those tax dollars, those products, those jobs will go to people in other countries but not to Americans.

There will be no more ''Buy America'' to strengthen America. It will be buy abroad, because of what? Because it is cheaper? Because it is better? Because it doesn't matter?

Let's have that debate in the Senate. Is it cheaper to buy overseas? After counting all the costs of not only the product prices but also the wages that are gained or lost, the taxes paid by those wage earners in this country or somewhere else, the unemployment costs in this country, the welfare cost, the food stamp cost, not to mention the human cost of people who lose their jobs, is it better to buy these products overseas? Better for whom? Who gains, who loses, when American dollars are spent abroad to buy foreign goods made by foreign workers instead of American goods made by American workers? Does it matter? Evidently not to this President or to this Pentagon leadership. But it sure matters to the American people, who will lose their jobs or won't get new jobs or better jobs. Do they have a say in where their tax dollars are spent? Does it matter to this Senate that there are now 2½ million fewer manufacturing jobs in this country than there were when President Bush took office? Yes, 2½ million manufacturing jobs have been lost in this country in the last 3½ years, despite the so-called recovery and recent job gains in some other sectors of our economy. There are still 2½ million less manufacturing jobs today than there were in January 2001.

Many of those American jobs have been sent overseas and were replaced in other countries by low-wage jobs. Importing all those foreign-manufactured products has now produced a U.S. trade deficit that last month was $48.2 billion. That is another all-time worst trade deficit—$48.2 billion for a single month, and it will probably be broken again next month or soon thereafter. Over the next year, if that continues, it will produce an annual trade deficit of $578 billion—almost $100 billion more than last year's record trade deficit.

We are told we cannot do anything about this massive bleeding of jobs and wages, capital investments, profits, and tax payments out of our country. We are told we should not even try; it is free trade, globalization, and it is good for America. Is 2.5 million lost manufacturing jobs good for America? Over $100 billion in lost wages and benefits every year is good for America? Over $30 billion of lost tax revenues each year for Federal, State, local governments, and school districts is good for America? Our Federal budget deficits, our State and local government deficits, U.S. trade deficit, national debt increasing, all of which are going higher and higher—is that all good for America? Jobs and wages, production of goods and services, capital investment by businesses, allowing people—as consumers buy goods and services, producing tax revenues, individual and corporate, they are the lifeblood of any economy. They are its vitality. Corporate profits, stock prices, dividends, and capital gains are all vitally important as well, but they are not enough.

This country's economic vitality is bleeding away. Our economic strength is weakening. Our economic strength is essential to our military strength. Our economic security is essential to our national security. This legislation, this authorization to spend $500 billion on our national security, had better strengthen, not weaken, our economic security as well.

I am aware of the letter to the chairman from a group calling itself the National Defense Industrial Association. It claims to represent over 1,300 member companies and purports to be the ''voice of the industrial base.'' Who are these companies? Whose industrial base are they speaking for? Many are companies that have moved their production overseas, that are making better profits from paying low wages to foreigners instead of good wages to Americans. We cannot stop them from doing so. But why should we reward them with American tax dollars going to support their foreign production? They can certainly continue that foreign production, and they will. But if they want these U.S. military contracts, they should fill them with American workers, not with foreigners.

They should make those products or provide those services in American communities, not foreign cities. They should pay taxes from those profits to our school districts and local governments, not someone else's. These are American tax dollars that are paying for our national defense, not from their corporate profits from foreign operations—profits on which they will pay taxes to foreign governments, not our own.

Someone has to look out for the best interests of this country, and it sure is not the National Defense Industrial Association. Maybe that is not their responsibility. But the best interests of this country are our responsibility here in the Senate. So they should not tell us or try to make us or the American people believe their interests are America's interests. In their letter, they claim it would negatively impact the ability of the U.S. industrial base to compete in the international marketplace and would therefore negatively impact the Warfighter, and the bill's amendment gutting ''Buy American'' will represent important steps in the Department of Defense's transformation plans and send positive signs to our allies that the United States is supportive of existing trade agreements. I am deeply offended that American companies, most of which are headed by American citizens, would try to hide their financial self-interests behind pretenses like these. They want defense contracts they can fulfill with their existing foreign operations that provide them with greater profits. They don't want to have to shift that production back to the U.S. and employ fellow American citizens. They want only what is good for themselves, not what is best for America's military strength or our Nation's economic vitality.

In some cases, as the letter discloses, they coddle foreign governments that want to buy American military hardware and then want us to buy the same amount of their foreign-made military products from their countries. We signed, evidently—somebody in the Department of Defense signed these agreements. There are countries where our trade deficits last year totalled over $120 billion for all goods and services. But in this one sector of military goods and services, where we run a trade surplus, we agree to give up our surplus by buying more foreign products, some of which, of course, are made in those countries by—surprise—

some of the companies in the National Defense Industrial Association. Those companies win both ways, but the rest of America loses.

These memoranda of understanding are not free trade; they are certainly not fair trade. They are dumb trade. It is amazing to me that somebody would sign them. It is like something out of the movie ''Dumb and Dumber,'' where I give you $20. You are going to give me $10 back, but you say, wait a minute, I am losing my $10. You have a responsibility to make up for my $10 with your $10. So we do that. We agree to that in this memorandum. We are going to match their $10 with ours and even up that part of the deal and leave the $20 that goes to them—leave it out and let it go. That is dumb trade.

We spend more on our defense products, goods, and services than the next 10 countries in the world combined. They need our markets; we don't need theirs. They are cutting back on their military production, so they want these agreements to prop up their industries and provide jobs for their workers at our expense. They are smart enough to look for it, and we are dumb enough to give it to them. It is also dangerous trade. This month's Jane's Intelligence Review, a widely regarded international publication, reports that ''Europe Considers Ending Chinese Arms Embargo.'' The Chinese premier was in some European Union countries last month and he concluded, saying, ''I have great confidence that there will be a solution to this problem.''

I ask unanimous consent that this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DAYTON. It reads:

On the European side, the attractions of tapping China's defense market are significant: China is the world's largest importer of defense equipment ($3.6 billion worth in 2002), and . . . France and Germany in particular are pushing to lift the arms embargo; France because the government is under pressure from its defense industry to resume arms sales; and Germany because it wants to maintain its currently good and close relationship with Beijing.

Opponents to lifting the ban include, most vociferously, the USA. . . .

Richard Fisher, from the Jamestown Foundation, told [Janes Intelligence Review]: ''The real impact of a deep and wide EU-PLA [People's Liberation Army]—

The army of China, the People's Republic of China—

military alliance will fall on the USA, in terms of accelerating a military-technical arms race that will burden U.S. taxpayers and place ever greater pressure on the U.S. political/military alliance system in Asia.''

Who are these countries protecting or helping in this language I want to strike out of this bill that have these offsetting reciprocal agreements with the United States? They include Belgium, Denmark, Germany, Netherlands, Portugal, Spain, Switzerland—all European Union countries. Others that are also exempt by other features include France, Italy, and Luxembourg—all European Union countries.

We are going to contribute to their building up their defense industries, and then they are going to turn around, most likely, soon and sell those products, that technology, those military advantages to a country in opposition to our foreign policy and against our own military interests, against our own national security interests.

That is just one example of how this kind of expediency and also the corporate pressures that drive some of it are a danger to our national security and to our future economic strength.

In conclusion, for the last 70 years, ''Buy America'' has worked for America, and it has helped Americans work in America to build a strong national defense, to build a strong national economy, and to build a strong American industrial base until this administration arrived. The Bush administration believes evidently we can have a strong national defense and a strong national economy without a strong American industrial base, without Americans making American products in American communities. They are so indifferent to that need that at a time when the United States has lost over 2.5 million manufacturing jobs held by 2.5 million American workers in the last 3½ years, they support this bill and its language to send more American taxpayers' dollars to pay for foreign products made by foreign workers.

Maybe those who do not care about other Americans' jobs should offer to give up their own job. Practice what they preach and find out for themselves what unemployment is really like. But it is our responsibility, exercising our collective wisdom, to act in the best interests of the United States of America.

I know my colleagues share that desire. We may have our honest differences and disagreements, but I beseech my colleagues in this instance to review this measure and this language and consider the consequences of it for our military strength, for our economic strength, as well as for the jobs of Americans and the quality of products and the security of products provided to the men and women serving courageously around the globe.

I yield the floor.

EXHIBIT 1

[From Jane's Intelligence Review, June 1, 2004]

EUROPE CONSIDERS ENDING CHINESE ARMS EMBARGO

(By John Hill)

Chinese Premier Wen Jiabao began his first official visit to Europe on 5 May with the issue of lifting the European Union's (EU) ban on the sale of weapons systems to China high on his agenda.

Beijing had hoped that a decision to end the ban would be made at the meeting of EU foreign ministers on 26 April, but at the annual Asia Europe Meeting (ASEM) held in Dublin a week earlier, Irish Minister for Foreign Affairs Brian Cowen, said that a change in the issue was unlikely during Ireland's EU presidency. Undaunted, in Brussels on 5 May, Wen said: ''I have great confidence that there will be a solution to this problem.''

For months now it has appeared that the arms embargo, which was imposed following the Tiananmen Square violence in 1989, would be scrapped, and Beijing certainly has many powerful European friends working on its behalf. Javier Solana, the EU's High Representative for Foreign Policy, as well as representatives from both France and Germany have in recent months assured the Chinese publicly that they think the time has come to resume arms sales.

On the European side, the attractions of tapping China's defence market are significant: China is the world's largest importer of defence equipment (US$3.6bn-worth in 2002), and currently Russia is the main beneficiary. According to Jean-Pierre Cabestan of the French National Centre for Scientific Research, France and Germany in particular are pushing to lift the arms embargo: France because the government is under pressure from its defence industry to resume arms sales; and Germany because it wants to maintain its currently good and close relationship with Beijing. Both the European Aeronautic Defence and Space Company (EADS) and the French electronics company Thales told JIR that although they do not currently export military equipment to China, they are monitoring the situation.

Opponents to lifting the ban include, most vociferously, the USA. In January, Richard Boucher, spokeswoman for the US Department of State, said: ''Our statutes and regulations prohibit sales of defence items to China. We believe that others should maintain their current arms embargoes as well. We believe that the US and European prohibitions on arms sales are complementary, were imposed for the same reasons, specifically serious human rights abuses, and that those reasons remain valid today.'' The UK is remaining circumspect; although obviously its defence industry would like to sell to the Chinese market, the government is reportedly upholding the US line on the issue.

There is debate over the consequences that lifting the ban would have. Professor Shen Dingli, an expert in International Relations at Shanghai's Fudan University, told JIR: ''[Ending the embargo] won't be significant, as China has its own arms research, development and manufacturing capability, and can access Russia's military aircraft and ship technology. Reportedly, soon China will acquire its own manufacturing capability of more modern military aircraft, and by that time, China will export its own technology.''

However, the USA remains worried that the end of the embargo could spark an arms race. US China analyst Richard Fisher, from the Jamestown Foundation, told JIR: ''The real impact of a deep and wide EU–PLA [People's Liberation Army] military alliance will fall on the USA, in terms of accelerating a military-technical arms race that will burden US taxpayers and place ever greater pressure on the US political/military alliance system in Asia.'' Fisher argued that if the ban was lifted, the French would be ''first out of the gate'' with submarine and satellite technology. He added that the competition would also spur on the Russians, who ''are now openly talking about selling advanced SSK [submarine] co-production rights to the PLA to trump the EU''.

SALES UNDER THE BAN

The EU embargo is somewhat vague on what is covered, and as a result has been interpreted differently by EU member states. The EU declaration on China, the European Council document issued in the wake of the Tiananmen Square violence, called only for

an 'interruption' of military co-operation and an embargo on trade in arms with China. The French and the UK governments have in the interviewing years produced their own interpretations of the extent of the embargo's reach.

In 1995, the British government made explicit that its interpretation of what was banned included: lethal weapons such as machine guns, large calibre weapons, bombs, torpedoes, rockets and missiles; specially designed components of the above, and ammunition; military aircraft and helicopters, vessels of war, armoured fighting vehicles and other such weapons platforms; any equipment which is likely to be used for internal repression.

Under the ban, the UK has exported significant military components, but not entire systems, to China. Most controversially, a license was granted to Rolls-Royce for the export of between 80 and 90 Spey aero-engines for the JH–7 fighter-bomber in 2001, although a license would not be granted (by the UK government's definition of the ban) for a whole military aircraft incorporating such engines. Other major UK sales have involved Racal (now part of Thales), which in 1996 sold airborne early warning radars; and Surrey Satellite Technology (SSTL).

The most recent UK government annual report on strategic export controls, covering 2002, details 177 export licenses for China worth £50m (US$89m), including components for frigates, general military aircraft components, technology for military aero-engines and technology for military aircraft head-up displays. A spokesman for the UK Foreign Office told JIR that there was a very rigorous process for the licensing of the export of weapons components that was equal to that for whole systems.

Other European countries have also sold equipment to the PLA. In 1997, the French pronounced that co-operation with the Chinese would be increased to include ''co-operation in the technical, technological and infrastructure fields''. They added: ''This technological and industrial co-operation will be conducted within the framework of our European and international commitments.'' Among the items licensed for export were French diesel engines for Chinese 054-class frigates and German-licensed diesel engines for Song-class submarines.

Such 'reinterpretations' have led to accusations that the Europeans have been 'weaselling' around their embargo. For example, Fisher said London's 'reinterpretation' enabled the UK to sell engines, radar, military electronics and small satellite technology to China. ''Now British technology is helping China to shoot at US Navy ships, to find them at sea, and potentially to blind the US Navy's first line of defence in space,'' he wrote in the Washington Times in 2001.

However, the USA is not without its own gray areas in controlling arms exports to China. In 2001, Senator Jon Kyl told the Senate that US regulations had allowed the export to China of $15bn of ''strategically sensitive'' materials during the 1990s, including equipment that could be used for manufacturing missile and nuclear weapons components. In 1998, Harold Johnson of the General Accounting Office told the US Congress Joint Economic Committee that between 1990 and 1996 US sources provided 6.5 per cent of the $5.3bn-worth of foreign military items delivered to China, compared to the EU's 2.3 per cent.

The embargo is unlikely to prevent China from making its own technological advances and there are arguments that engagement rather than isolation can better serve international security. Sir Martin Sweeting, chief executive of Surrey Satellite Technology (SSTL), told JIR: ''China [and other countries] will develop their own space capability irrespective of outside assistance. Refusing to work with them will not prevent them—they have access to all the components we use and are capable people. Rather than relying on an isolation policy that creates an illusory impression of maintaining a capability lead, is it not more advantageous to work with China in a carefully controlled manner so that we are aware of their developments and consequential implications for their capability and further development?'' He added: ''[While] virtually all satellites have military 'implications' to whatever country, none of the satellites sold by SSTL to China have significant military utility.'' He thought that lifting the ban could speed up the export licensing process, a development that ''would be welcomed by SSTL''.

LIFTING THE EMBARGO

The debate on lifting the arms embargo essentially revolves around two issues. The first is that such an embargo is extremely unusual—the only other states subject to such treatment are Sudan, Myanmar and Zimbabwe. In the context of the EU's developing and deepening relationship with Beijing, banning arms sales to China, which is regarded as a responsible and important member of the international community, appears incongruous. The Chinese position is that the ban is an inappropriate holdover from the Cold War.

However, another issue involves continuing concerns about China's human rights record. The ban is of course seen as a way of influencing China, but the underlying problem is more likely to be US pressure to maintain the ban, ostensibly on human rights grounds.

Nicolas Kerleroux, a spokesman for the European Council, stressed that in the end, the decision to continue the embargo was made by the EU. He added that the process that would have to be gone through to lift the embargo is not entirely clear, and would only become clearer closer to the time of any possible change.

Any decision to lift the embargo would need the unanimous agreement of all EU member states. The process itself could take place at the European Council, a meeting of EU heads of state or the monthly meeting of foreign ministers. The statement of the Irish Minister of Foreign Affairs that no change would be made during the Irish presidency of the EU has no official status, but is simply a personal assessment of the situation, according to Kerleroux.

He added that the question is a complex one and must be addressed in an ''orderly fashion'', which means that it will take time. Asked if any states were particularly against the change, he told JIR: ''No one has said 'never'.'' He pointed out that when EU leaders tasked their ministers to re-examine the issues in December 2003, ''no one opposed'' the request.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before I get into the substantive debate in rebuttal to my distinguished colleague—and I say distinguished. We are very proud of his participation on our committee. Indeed, I remember vividly our trip together to Iraq. That was his first trip. It was helpful for all of us. I thank him for his remarks about the old Senator from Virginia. It is kind of nice to hear those after being on this bill now our 15th day. But we are making progress.

First, I think inadvertently—and I say to my friend inadvertently—he made reference in his opening statement that the language of the authorization bill for this year changes the status of the Barry amendment. Did the Senator make mention of that?

Mr. DAYTON. Mr. President, I meant to say that it changes the overall law and which the Barry amendment is part of this general reference to ''Buy America.''

Mr. WARNER. I wonder if I might bring to the Senator's attention—the bill is at the desk—if he would look at page 175 of the bill. He will see section (f), ''Laws Not Waivable'':

> The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in the following laws. . . .

No. 4 is the Barry amendment. We do not touch it. I assure the Senator, section 2533 A(a) of title X is the Barry amendment, and that remains untouched.

Mr. DAYTON. Mr. President, the chairman is correct in that regard.

Mr. WARNER. The Senator is doing his best, and I have lived with these things for so many years.

The other is interesting. No. 1, we do not waive the Small Business Act, 15 U.S.C. 631, which sets aside 23 percent of the dollar volume of all defense contracts must go to small business.

The Javits-Wagner, No. 2, is all products manufactured by the blind and the handicapped. We do not touch that.

No. 3, section 7309, shipbuilding, we do not touch that.

And No. 4 is the Barry amendment, and that covers textile, food, and speciality medicine.

I draw my colleague's attention to those points. He might wish to review it himself and make amendments to his opening statement.

Mr. President, I say to my colleague again, it is fascinating in a sense. He goes on about what we put into this bill, which I think in a very modest way strengthens America's position, in my judgment. For example, his bill goes after one Department, the Department of Defense; am I not correct?

I say to my distinguished colleague, the Department of Defense is among the few Departments of our Government with contracts generating a surplus. The area in which the Senator from Minnesota wants to go to preserve jobs is in other Departments and agencies of the Federal Government. Let me point this out.

We had $63 billion in defense sales in the last year—$63 billion—to nations all over the world. We bought only $5 billion of weapons from other nations. Those nations that sell us the $5 billion are basically the ones that are participating largely in the $63 billion. So there is a mutual trade there. We are selling them, by and large, far more than we are buying from them, and if you were successful, you would begin to bring down significantly the $63 billion, and that translates into hundreds of thousands of jobs in America would be lost because we are saying to those

countries: We are not buying anything from you anymore. And they will say: If that is the case, we have had it, we are not going to buy from you, and down goes our $63 billion surplus.

Mr. DAYTON. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. DAYTON. Does the Senator say we should apply that same principle to all of our trade agreements and require that the $478 billion we spent last year in deficits, we should require those countries buy the equivalent in U.S.-made products?

Mr. WARNER. Mr. President, I am not going to tread beyond the Department of Defense. Our bill goes strictly to the Department of Defense. If there are other areas in which my distinguished colleague and those who are aligned with him want to go, then other Senators who have the oversight responsibilities for their respective departments are the ones who will have to respond. So I am going to stick to DOD.

We have the largest, as far as I know—maybe in agriculture there may be some segments which are somewhat equally or larger in significance.

At the end of my remarks, I ask unanimous consent to have printed in the RECORD the letters that we have received from a number of nations respecting the pending matter that the distinguished colleague from Minnesota has put before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I start off with the Ambassador of the Netherlands:

> Dear Senator, Mindful of the long-standing strong relationship between the United States and the Netherlands, I would like to express support for several very important amendments to the Defense Authorization Bill 2005 that were agreed this week . . .

And he then refers to those sections. Then we have the ambassador from the Embassy of Sweden:

> As you are aware, Sweden is a significant supplier and partner to the United States in several defense technology areas such as anti-tank weapons systems and naval composite technology. With almost 50 percent U.S. content, the Swedish fighter aircraft Gripen is another example of close Swedish-American cooperation. This extensive cooperation is to the benefit of our respective defence industries.

I am only reading just a fraction of these letters. Another one from Mr. David Manning, the Ambassador from the British Embassy in Washington:

> I am writing to express the strong support of the United Kingdom for three amendments to the Senate Armed Services Committee mark up of the 2005 Defense Authorization Bill.

Those are the provisions, Mr. President, that my distinguished colleague seeks to strike. He goes on, ''These amendments are contained in section,'' so and so. He then goes on:

> As you know, the UK and US armed services have a relationship of unparalleled closeness, as our forces fight side by side in Iraq and elsewhere. . . . I therefore hope you will be able to support these amendments . . .

And eventually get them into law.

The Canadian Embassy sent a similar letter. We have a similar letter from the Danish Ambassador. We also have a letter from the Aerospace Industries Association of America. They state:

> The future of U.S. aerospace is in the global marketplace. Our industry exports 40 percent of the products it manufactures in the United States and books the largest export surplus of any sector of our economy.

I say to the Senator from Minnesota, he is facing a serious issue if he prevails. We have a similar statement from the Government Electronic Industries Alliance. We have the National Defense Industrial Association, Strength Through Industry & Technology:

> Dear Mr. Chairman:
> NDIA has had a long and productive association with you and the committee. I look forward to discussing these issues . . .

They support the bill, and I could go on, but this is a sample.

I will say in recognition of the issues that the Senator raises, in the second-degree amendment we pair down the list of 21 nations to the 7 that we believe absolutely have to be kept intact and not subjected to the strike that the Senator has in hand. The obvious ones are the United States, Australia, the Netherlands, Italy, Sweden, Canada, and Norway. So I think some advancement has been made in terms of limiting the number of nations that have to deal with this, but at this point in time I say to my colleagues that I think the second-degree amendment from the Senator from Virginia embraces the position that is the most important one that we should take versus the distinguished colleague from Minnesota.

I wonder if I might put in a quorum call for a brief few minutes when I have to absent myself from the floor. Does the Senator from Iowa wish to speak to this issue?

Mr. HARKIN. No. If the chairman would yield, it is this Senator's intention to call for the regular order, which would bring up the Durbin amendment, and I have a second degree to the Durbin amendment. Then I will speak on that. I assume right after I finish, Senator HATCH will speak on it.

Mr. WARNER. I say to my colleague, I think we can accommodate him because this important debate brought by the Senator from Minnesota, to which I have made a reply, will be laid aside because other Senators, hopefully, on both sides of the aisle, will come to support the amendment in the second degree by the Senator from Virginia.

I am anxious to hear from the Senator from Minnesota. Did he want to reply to some of my comments?

Mr. DAYTON. If the Senator will yield for one last question.

Mr. WARNER. Yes, I will yield.

Mr. DAYTON. Then we can conclude this discussion so the Senator can leave the floor. I am glad to see the second degree would reduce the number of countries exempted to seven. I ask if the Senator and Senator MCCAIN would consider language in the amendment that would prohibit the consequences that I just outlined of the sale of goods and military products to China, that there be language in this amendment that would preclude these countries that are getting these benefits from, then in turn providing those gains to countries that are outside of our own military and foreign policy.

Mr. WARNER. I thank my colleague. I would be happy to consider that if he wishes to bring that forth to change the documents that are presently before the Senate; that is, the underlying and second-degree amendments. So perhaps at this time we could lay aside this package with the understanding that we will bring it up again today for further debate and in the interim we can consider the measures that the distinguished Senator wishes to address.

Mr. DAYTON. I agree with that.

EXHIBIT 1

THE AMBASSADOR, EMBASSY OF THE KINGDOM OF THE NETHERLANDS,
Washington, May 17, 2004.

DEAR SENATOR: Mindful of the long standing and strong relationship between the United States and the Netherlands I would like to express support for several very important amendments to the Defense Authorization Bill 2005 that were agreed this week in the discussions in the Senate Armed Services Committee.

I refer specifically to the proposals in Title VIII—Acquisition Policy, Acquisition Management and Related Matters, Subtitle D—Industrial Base Matters (Sections 841, 842 and 843).

I consider the Section with regard to a ''Commission on the Future of the National Technology and Industrial Base'' as a highly constructive proposal. Specifically the balanced tasking of the Committee seems to inherently guarantee certain success. Taking into account the increasingly important subject of interoperability, specifically relevant in the present day environment, I also value the amendment concerning the ''Conforming standard for waiver of domestic source or content requirements'' as an important building block for a fertile environment for defense trade of which the warfighter of today and of tomorrow will be able to benefit. Also the section that deals with the ''Consistency with United States obligations under trade agreements'' is seen as a positive and relevant assurance for other countries.

Although not directly related to the above referenced proposals allow me to share with you the idea that in our perception, part of the discussion which is seen by some as the danger posed by foreign dependency can be satisfied by bilateral Security of Supply agreements which can be negotiated as more detailed arrangements under a Declaration of Principles or a reciprocal defense procurement MOU.

In conclusion I would like to assure you of my broad support for the proposals which I mentioned above.

EMBASSY OF SWEDEN,
Washington, May 27, 2004.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: As you are well aware, Sweden is a significant supplier and partner

to the United States in several defense technology areas such as anti-tank weapon systems and naval composite technology. With almost 50 percent U.S. content, the Swedish figher aircraft Gripen is another example of close Swedish-American cooperation. This extensive cooperation is to the benefit of our respective defence industries.

Mindful of this long-standing and strong relationship between the United States and Sweden, I would like to express support for several important provisions in the 2004 Defence Authorizations Bill.

The provisions contained in Section 841, 842, and 843 of the proposals for title VIII on Acquisition Policy set a common standard of waiver of domestic source and content requirements. They also call for a Commission on the future of the national technology and industrial base.

I would like to assure you of my country's strong support for these provisions when they come before the Senate.

Sincerely,

JAN ELIASSON,
Ambassador of Sweden to the United States.

BRITISH EMBASSY,
Washington, 17 May 2004.

Hon. JOHN MCCAIN,
Washington, DC.

DEAR SENATOR: I am writing to express the strong support of the United Kingdom for three amendments to the Senate Armed Services Committee mark up of the 2005 Defence Authorizations Bill. These amendments are contained in Sections 841, 842, and 843 of the proposals for Title VIII on Acquisition Policy. They set a common standard of waiver of domestic source and content requirements. They also call for a Commission on the future of the national technology and industrial base.

As you know, the UK and US armed services have a relationship of unparalleled closeness, as our forces fight side by side in Iraq and elsewhere. If approved, the measures proposed under Title VIII would be an important step forward towards improving interoperability across the full range of our mutual defence cooperation.

I therefore hope you will be able to support these amendments when they come before the Senate later this week.

Best wishes. Yours sincerely,

DAVID MANNING.

CANADIAN EMBASSY,
Washington, DC, June 16, 2004.

Hon. JOHN WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN WARNER: I am writing to convey the views of the Government of Canada with respect to the Ronald W. Reagan National Defense Authorization bill (S. 2400) under consideration by the United States Senate.

I want to draw particular attention to Amendment 3311 put forward by Senator CHRISTOPHER DODD (D–CT) that would cause the Secretary of Defense to impose a new scheme of U.S. offsets on foreign suppliers. We strongly believe that Senator DODD's language would undermine existing trade agreements and defense cooperation relationships, notably with U.S. allies whose defense industries are often closely integrated with American suppliers and partners. Furthermore, such a provision would hurt manufacturers and workers in the United States, since they are the overwhelming beneficiaries of U.S. defense exports. These exports have grown dramatically in recent years, thanks to the willingness of U.S. companies to provide for local economic development through offset agreements. This amendment would have the effect of disrupting this export trade in which the United States has come to assume a dominant place. In terms of employment alone, a Department of Commerce report published in July 2003 illustrates the point that offsets have a net beneficial impact on U.S. jobs. Looking at offsets spanning the years 1993–2000, the Department of Commerce found that offsets maintained an average of 41,666 jobs per year while costing only 9,688 in lower tier supplier bases, leaving a net benefit of 31,978 U.S. jobs.

The Governor of Canada supports the Senate bill's original language (sections 841, 842 and 843) with respect to complying with existing trade agreements, protecting the Secretary of Defense's authority to issue waivers for Memorandum of Understanding countries and the proposed establishment of a Commission on the Future of the National Technology and Industrial Base. Regrettably, Amendment 3197 offered by Senator MARK DAYTON (D–MN) would, in our view, send the wrong message to U.S. allies by deleting language that would encourage and support international defense trade cooperation that would ultimately benefit U.S. taxpayers and American troops.

Under your leadership, the Senate Armed Services Committee has adopted a constructive approach to the defense authorization process characterized by openness to U.S. allies, a commitment to liberalized defense trade and export control reform. We encourage you to stay true to this course which has been so beneficial to cooperative defense and U.S. prosperity.

We thank you for taking our concerns into consideration.

Your sincerely,

BERTIN COTE,
Charge d' Affaires, a.i.

DANISH EMBASSY,
Washington, DC, May 18, 2004.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Let me first express our gratitude for your efforts and leadership last year to limit to a minimum the ''Buy American'' language in the National Defense Authorization Act for fiscal year 2004.

I write to you again in the context of the renewed pressure in Congress to restrict cooperation with foreign defense industry companies, including those from countries that have offset policies or related arrangements. As of now, it is difficult to fully assess the scope of the proposals, including if it would affect the U.S.-Danish trade, but this new development is at any rate worrisome.

As of the strongest and most ardent allies of the U.S., it would be very difficult to understand and explain if Denmark were to face new restrictions in the industrial cooperation with the U.S. Especially in light of our participation in Iraq since the beginning of the military operations and the continues presence of 500 Danish troops—one of the largest contingents in both absolute numbers and certainly in proportion of population.

I therefore strongly hope that the language will not be part of the final act and would like to express my government's strong support for your continued efforts to secure the mutual beneficial international cooperation between the U.S. and its partners in the defense area.

Sincerely,

ULRIK FEDERSPIEL,
Danish ambassador to the U.S.

Mr. WARNER. I ask unanimous consent that this package be laid side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask that so the Senator from Iowa can proceed with the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3225

Mr. HARKIN. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. With respect to which amendment?

Mr. HARKIN. No. 3225.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3462 TO AMENDMENT NO. 3225

Mr. HARKIN. Mr. President, I have a second-degree amendment. I send it to the desk on behalf of myself and Mr. HATCH. It is a second-degree amendment to amendment No. 3225.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. HATCH, proposes an amendment numbered 3462 to amendment No. 3225.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning legislation requiring reports of serious adverse events related to dietary supplements and over-the-counter drugs)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 717. SENSE OF THE SENATE CONCERNING SERIOUS ADVERSE EVENT REPORTS.

(a) DEFINITION.—In this section, the term ''dietary supplement'' has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Food and Drug Administration should make it a priority to fully and effectively implement the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417, 21 U.S.C. 321 note), including taking appropriate enforcement action against unsafe dietary supplements;

(2) not more than 180 days after the date of enactment of this section, the Department of Health and Human Services should develop a plan for mandatory reporting of serious adverse events occurring as the result of the ingestion of any dietary supplement or over-the-counter drug and provide that plan for review and consideration by Congress; and

(3) adequate resources should be made available for the effective oversight of dietary supplements and for sound scientific research on dietary supplements.

Mr. HARKIN. Mr. President, I wish to speak to the pending amendment by my colleague from Illinois, Senator DURBIN, and then to outline what this second-degree amendment does.

I have to say I feel somewhat uneasy about this because I so rarely find myself in disagreement with my friend from Illinois. He and I see eye to eye on many issues. On this, while I believe we have some of the same objectives, we disagree on the appropriate approach.

I wanted to set the context for my remarks in somewhat broader terms. For well over a decade, I have spoken out about the need to fundamentally reorient health care in America, reorient it toward prevention and wellness and self-care.

When it comes to helping people stay healthy in the first place, we have very little in the way of help or incentives or information. In fact, I have long said we do not have a health care system here in America, we have a sick care system. It is costing us dearly both in terms of health care costs and premature deaths.

This is not to say we have not made any progress in the recent past. In the last decade, we have taken some steps toward fixing this major flaw. We have expanded coverage of cancer screenings, we have increased childhood immunization rates, we have expanded prenatal care, and we have more aggressively gone after the promotion of tobacco to children.

Another step we took in the last decade toward keeping people healthy in the first place is the passage of the Dietary Supplement Health and Education Act of 1994, otherwise known by its acronym DSHEA.

Over 158 million Americans take dietary supplements to maintain and improve their health, this Senator included, from vitamin C to calcium to glucosamine to beta carotene to ginko biloba. There is a full range of health supplements that are part of the daily lives of people all over this country. Consumer expenditures on these products reached a reported $17.1 billion in 2000, double the amount spent just 6 years earlier.

According to a recent report by the Food and Drug Administration, the use of dietary supplements is likely to grow, due to factors such as the aging of the baby boom generation, increased interest in self-sufficiency, and advances in science that are uncovering new relationships between diet and disease.

In response to efforts by the Food and Drug Administration to inappropriately cut off consumers' access to vitamins, minerals, and supplements, in 1994 the House and Senate unanimously approved the Dietary Supplement Health and Education Act, DSHEA. Both Senator HATCH and I were pleased to have played a role in crafting this important legislation and getting it through the Congress. This law balanced continued consumer access to vitamins, minerals, and other dietary supplements. It has also resulted in nearly $100 million in new rigorous scientific research on the benefits and risks of supplements.

DSHEA provides a number of important consumer protections. First, it requires that claims made on supplement labels, packaging, and accompanying material be, and I quote here from the law, ''truthful, nonmisleading and substantiated.''

Let me repeat that. The law, DSHEA, requires that anything put on labels, packaging, and accompanying material be ''truthful, nonmisleading and substantiated.''

In addition, the act prohibits manufacturers from making claims that products are intended to diagnose, treat, cure, or prevent disease.

DSHEA also provides for good manufacturing practice standards setting requirements for potency, cleanliness, and the stability of products. That is in the law.

The FDA was supposed to publish regulations on these good manufacturing practices after the bill was passed in 1994.

Finally, after 10 years of pushing and prodding by Senator HATCH, others, and me, the FDA has finally, this year, proposed good manufacturing practices regulations. They expect to have final regulations out by the end of this year. It took them 10 years, but I point out that the law requires it.

DSHEA also requires that manufacturers submit adequate information as to the safety of any new ingredients contained in dietary supplements before those products can be sold.

Again, I want to repeat that for the RECORD because when I listened to Senator DURBIN last week, you would think someone could put a dietary supplement out there without ever having anything reviewed or looked at or reported to FDA. The law requires that manufacturers submit adequate information as to the safety of any new ingredients contained in dietary supplements before they can be sold.

I might point out that the FDA has rejected over half of the proposals to market new dietary ingredients using existing authority.

To listen to my good friend from Illinois, you would think everyone could put anything they want out there. That is absolutely not true.

DSHEA also provided the Federal Government a number of avenues for the removal of unsafe dietary supplements from the marketplace. If the Secretary of Health and Human Services determines that a product poses an unreasonable risk when taken as directed, the product can be removed from the market. The Secretary utilized this authority earlier in the year to remove products containing ephedra from the market.

DSHEA gives the Secretary yet another tool to protect the public from unsafe supplements. If the Secretary determines that a product poses an imminent hazard to the public health, he can remove the product from sale.

Finally, in order to promote expanded scientific research on the benefits and health effects of dietary supplements, DSHEA mandated the establishment of the Office of Dietary Supplements within the National Institutes of Health. This has resulted in roughly $100 million in new scientific research that is crucial to expanding reliable information to the American people.

Unfortunately, despite some recent improvements, the history of implementation of DSHEA by FDA has been lax.

I want to point out here that I serve on the HELP Committee. That is the committee that gives approval to nominees to be FDA Commissioners. Since DSHEA was passed, I have asked every FDA Commissioner for the record, both under the previous administration and under this administration, whether DSHEA gives the FDA enough authority to remove from the shelves harmful products for public consumption. Everyone who has come before us has said, yes, that DSHEA gives them all the authority they need to remove harmful products from the shelf.

The problem is the FDA has failed to use all of the tools we provided DSHEA. They have failed to carefully review substantiation of claims. For 10 years they failed to put in place good manufacturing practice standards. It has failed to aggressively remove from the market the illegal street drug knockoffs and other products that are in clear violation of DSHEA requirements.

I recently met with the FDA Commissioner and told him about some of the things I have seen in some of the gasoline stations that have these stores attached to them where they have knockoff items which are clearly harmful to people, and yet the FDA is not removing them.

Part of the problem has been resources. The FDA needs adequate resources to implement and enforce DSHEA. Congress last responded by regularly providing funds over the last several years beyond those requested in the Presidents' budgets—both the previous President and this President—reaching $9.7 million in fiscal year 2003. This is to provide oversight of dietary supplements.

Last year, the Senate adopted an amendment that Senator HATCH, Senator DURBIN, and I proposed to increase funding for implementation and enforcement of DSHEA—to increase it by 17.5 percent. It required FDA to spend no less than $11.4 million for this purpose, $1 million more than requested by the administration. This was a substantial and necessary increase. In fact, I would like to see even more devoted to this purpose.

In fact, S. 1538, legislation Senator HATCH and I introduced earlier this session would increase FDA funding to $20 million next year, rising to $65 million per year within 5 years. We will continue to work to gain adoption of this more aggressive approach.

That is sort of the background. What I wanted to point out in my remarks is that we passed DSHEA to give people

access to vitamins, minerals, and supplements to keep them healthy in the first place.

We provided in the law all that was necessary for the FDA to take harmful products off the shelf. We provided in the law that any claims have to be truthful, not misleading, and substance indicated. We provided that any new ingredients put into these dietary supplements must be approved by FDA.

I did not hear Mr. DURBIN, the Senator from Illinois, mention any of that in his comments last week.

I want to point out that there are more than adequate safeguards in DSHEA to keep the public safe and informed about dietary supplements, minerals, and vitamins.

Turning to the direct subject of the amendment of the Senator from Illinois, I support what I think is the basic essence of the Senator's amendment—getting good and timely information about safety concerns with anything that Americans consume or use—whether that be drugs over the counter, medical devices, foods, or dietary supplements.

In any of that area, if there are safety concerns, yes, we need good and timely information.

In fact, as I said, Senator HATCH and I have fought to increase the resources that FDA dedicate to implementing an effective adverse events reporting system. Today, we spend about $1.5 million a year for the monitoring of serious adverse events associated with ingesting dietary supplements.

Again, I agree with the Senator from Illinois that a mandatory adverse events reporting system for dietary supplements and over-the-counter drugs is something we should consider. However, the issue has to be dealt with in a more comprehensive fashion to be effective and efficient. We need to make sure we have a reporting system that will provide timely, accurate, and useful information. Senator DURBIN's amendment in its current form is too limited and does not ensure that we will have a workable system. Therefore, while I support the creation of a mandatory national adverse events reporting system that is broader in scope to protect the American people, I cannot support Senator DURBIN's amendment.

First, serious adverse health events resulting from consumption of a dietary supplement is a national issue. Any reporting system for such events needs to be national, not just pertaining to Army bases. And it should apply to all supplements, not just those containing caffeine.

As a matter of fairness and protection of the public health, it should apply to over-the-counter drugs as well.

My colleague from Illinois said on Friday in describing his amendment that over-the-counter drugmakers are required to report serious adverse events associated with their products. I am sorry, that is simply not the case for the vast majority of these over-the-counter drugs. This leads to a number of inconsistencies. I will point out one example that will result from this omission in Senator DURBIN's amendment.

Under his proposed amendment, one could buy a product whose brand name is No-Doz or similar over-the-counter products with a substantial amount of caffeine, yet be blocked from buying a dietary supplement that contained just a fraction of that stimulant. That simply does not make sense. If we are going to require reporting for dietary supplements, the same should be required of over-the-counter medication.

Under Senator DURBIN's amendment, on an Army base you could buy No-Doz, which is packed with caffeine, but could not buy a dietary supplement that might have a third, a half or a tenth as much caffeine in it. It makes no sense.

Senator DURBIN's amendment also excludes drinks that contain stimulants. Again, you could buy Red Bull—this is another brand name product, Red Bull—chock full of caffeine. There is no reporting requirement. But one could not purchase a supplement which had much less caffeine in it. This does not make sense.

Second, while I support a broader system, as I have said, the Defense authorization bill is not the place to work out the details of such an important public health matter. As our experience with mandatory adverse events reporting for drugs and medical devices has shown, implementing a mandatory system involves significant practical, technical, and legal issues that must be carefully worked out.

Third, there are serious shortcomings in the existing adverse event reporting system that need to be reformed before, or at least in tandem with, a mandatory reporting scheme. One need look no further than a recent report by the GAO.

Before we have a mandatory reporting scheme, let's look at the adverse event reporting system. Let's fix it. It is broken. Let's fix that before we have a mandatory scheme that relies upon an adverse reporting system that is totally inadequate. I may have more to say later regarding the GAO study.

These are serious shortcomings that clearly need to be addressed regarding a dietary supplement adverse event reporting system to effectively protect public health.

While I agree with much of what the Senator from Illinois is aiming to do, his approach is not something we should be approving. Therefore, Senator HATCH and I are offering a more comprehensive approach to Mr. DURBIN's amendment.

Our amendment says three things. First, the FDA should make it a priority to fully and effectively implement the Dietary Supplement Health and Education Act of 1994, including taking appropriate enforcement action against unsafe dietary supplements. They have the authority to do that. It is in the law. Every FDA Commissioner has said they have that authority.

Secondly, our amendment says within 180 days of enactment of this provision, the Department of Health and Human Services should develop a plan for mandatory reporting of serious adverse events occurring as a result of the ingestion of any dietary supplement or over-the-counter drug and provide that plan for review and consideration by Congress. That is the logical way to proceed.

Third, our amendment says adequate resources should be made available for the effective oversight of dietary supplements and for sound scientific research on dietary supplements. This is a more important response. It deals with the real and broader issues at hand.

I look forward to working with my colleagues, including the Senator from Illinois, Mr. DURBIN, to assure that consumers continue to benefit from healthful dietary supplements and we have a strong quality assurance system that includes good manufacturing practice standards and an improved serious adverse event reporting system.

I hope our colleagues will join in supporting our amendment which will permit people to have access to vitamins, minerals, and supplements which will tighten up the adverse event reporting system and which will also get adequate resources to the FDA to provide the adequate oversight of dietary supplements.

I see my good friend from Utah, one of the great leaders on this issue. Regarding enactment of DSHEA, I am proud to be a cosponsor with him, working to make sure all of our people get vitamins, minerals, and supplements to keep them healthy.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

Mr. HATCH. I thank my colleague for his statement about this matter. We worked very hard on the Dietary Supplement Health and Education Act back in 1994. It has served this country very well. There are now almost 150 million Americans who, daily, take dietary supplements much to the betterment of their health.

Amendment No. 3225 offered by our colleague from Illinois, Mr. DURBIN, is a solution in search of a problem. It is neither wise nor necessary. The Harkin-Hatch substitute should be approved in the alternative.

The Durbin amendment is yet again another attack on dietary supplements and it should be rejected.

Instead, I ask colleagues to vote in favor of the second-degree amendment Senator HARKIN and I have drafted, an amendment which will put us firmly on record in favor of enforcing the law we passed—not once but twice—by unanimous consent.

This law gives FDA all the enforcement tools it needs to act against problem supplements, a fact that has been confirmed by the FDA Commissioner in

the Clinton administration, Dr. Jane Henney, by the first FDA Commissioner in the Bush administration, Dr. Mark McClellan, and by today's head of the FDA, Dr. Lester Crawford.

The law I reference, the Dietary Supplement Health and Education Act, provides all the tools we need to ensure consumer access to safe dietary supplements and information about their benefits and potential problems.

But for that consumer protection to be a reality, the law must be implemented through regulation and enforced in the courts, and Congress must provide the resources for the agency to do its job.

There is no question that FDA has been slow to act on problem supplements. But it is coming around and is doing a much more vigorous job, taking many more enforcement actions against illegally marketed products in recent months. By the way, they did not have this power before the DSHEA.

I believe this new emphasis on enforcement, albeit under our prodding, is due to both the leadership of Dr. McClellan, who has committed to me and Senator HARKIN that he would compel the agency to implement DSHEA more vigorously, and to our colleagues, Chairman BOB BENNETT, before him Chairman COCHRAN, and Ranking Minority Member HERB KOHL, who have acted to put more funding in the hands of the FDA to enforce the dietary supplement law.

By and large, dietary supplements—vitamins, minerals, herbs and amino acids—are used safely by hundreds of millions of Americans each year in order to help them lead healthy lifestyles. Critics of the industry point to the very few supplements that raise safety or labeling concerns, concerns that I firmly believe the law is adequate to address.

I hope it comes as no surprise to Senators that Senator HARKIN and I have been as critical as Senator DURBIN about the agency's lack of action in enforcing against problem supplements.

We have pressed FDA to remove from the market products which are harming young athletes, products such as androstenedione or ''andro.'' Earlier this year, under the leadership of Dr. McClellan and HHS Secretary Tommy Thompson, andro was removed from the market. I was there. I was there at the announcement. I was one who backed that. It can no longer masquerade as a dietary supplement.

We have also been concerned about ephedra. I have said for a number of years that if the agency believes this product is unsafe, it should remove it from the market under the abundant authority we provided in DSHEA, the Dietary Supplement Health and Education Act. This includes seizure, fines, and injunctive relief against misbranded or adulterated dietary supplements. Again, although belatedly, the agency has acted against ephedra products, although there is litigation over this because there is some body of evidence that indicates properly used ephedra can be beneficial in weight reduction and perhaps in other areas as well. But we backed whatever the FDA did, we, the authors of the dietary supplement act.

As my colleagues are aware, I am one of the original authors of the Dietary Supplement Health and Education Act of 1994. I would like to take a few minutes to talk about the history of DSHEA, which will shed some light on why the Harkin-Hatch language is preferable to the Durbin amendment. This may be helpful for some of our colleagues who were not here when President Clinton signed DSHEA into law. It may also help reassure those who voted for the measure that it is working.

At the outset, it is important for Senators to realize the Dietary Supplement Health and Education Act established a rational, regulatory framework that provides the Food and Drug Administration with the tools it needs to assure the safety of products consumed by the American public, and to provide consumers with access to safe products and information about those products.

Indeed, the DSHEA law allows the more than 150 million Americans who regularly consume dietary supplements to have access to products in order to achieve the health benefits they desire. DSHEA enables Americans to buy relatively inexpensive dietary supplements, including vitamins and minerals, which may achieve a wide array of health improvements.

The passage of the Dietary Supplement Health and Education Act followed decades of Food and Drug Administration antipathy toward dietary supplement products. This animosity, well documented by hearings in the Labor and Human Resources Committee and by the committee's 1993 report, and the lack of clear regulatory structure for supplements, was the basis for our Senate votes.

That is also why a majority of the Senate—two-thirds of our membership—cosponsored the bill. That also helps explain why the bill passed without one dissenting vote in the Senate.

As I believe Senator HARKIN has noted, there is a great need to set the record straight. Dietary supplements are regulated by the Food and Drug Administration. In fact, the FDA has had this authority for a century. What we did in 1994 was to clarify and strengthen FDA's authority. Thus, media reports that supplements are ''unregulated'' are patently false.

The basic structure of DSHEA allows all products marketed as dietary supplements at the time the bill was enacted to continue to be marketed as dietary supplements unless they are determined to be unsafe or otherwise violate prohibitions in the Federal Food, Drug, and Cosmetic Act with respect to labeling, purity, and manufacturing.

This so-called grandfather provision was enacted into law. In addition, for new dietary ingredients, those not marketed in the United States before the law was enacted, manufacturers must provide evidence of safety to the FDA 75 days in advance of marketing. Again, new dietary ingredients must also comply with the Food, Drug, and Cosmetic Act requirements for safety, purity, and labeling.

Responsible companies have followed the rules. Over 150 times they have notified the FDA, as the law requires. About half of those were rejected because there were safety concerns or because the products were not appropriately marketed as dietary supplements.

The Dietary Supplement Health and Education Act works. The law specifically prohibits supplements that present ''significant or unreasonable risk of illness or injury under . . . conditions of use recommended or suggested in labeling.'' A supplement not meeting that requirement is deemed adulterated, and, thus, illegal. This requirement does not require the agency to prove harm to anyone, rather, to make a determination that a significant or unreasonable risk of illness or injury is present.

In addition, the law prohibits any poisonous or deleterious substances in dietary supplements. A supplement is illegal if it is ''unfit for food,'' a very broad authority which allows the agency to act against a product that is not fit for human consumption, and an authority that was not there before DSHEA.

Under DSHEA, a dietary supplement cannot claim that it will diagnose, cure, mitigate, treat, or prevent a disease. Any labeling to that effect immediately makes the product subject to regulation as a drug and, thus, illegally marketed as a supplement.

Under DSHEA, the labeling for a product must be truthful and informative. If the labeling is ''false or misleading'' in any way, the product is misbranded, and, thus, illegal.

Senators should be aware there are substantial sanctions for violations of these requirements, sanctions that did not exist before. Violations subject the product to recall, seizure, condemnation, and destruction. Persons committing the violations could be subject to both injunction and criminal prosecution. So the Dietary Supplement Health and Education Act has teeth, teeth that were not there before.

The hallmark of DSHEA is the balance between allowing for beneficial dietary supplements while at the same time maintaining regulatory authority for FDA to remove any supplements that are detrimental to health. Any objective analysis of the law must conclude that it has produced public health benefits of enormous dimensions.

The growth in the dietary supplement market since enactment of DSHEA is astounding. Today, there are hundreds of thousands of safe, well-labeled products on the market offering consumers who want to maintain or

improve their health a panoply of options. Many of these products are manufactured in my own home State of Utah.

There also is much greater information available to consumers about these products as a result of DSHEA. Indeed, the provisions of the law clarifying what information could be provided with a supplement are nothing but consumer friendly. Before the law, it was FDA's official position that it was illegal for a store owner to distribute a Centers for Disease Control, or CDC, publication touting the benefits of folic acid use for pregnant mothers.

That is interesting because CDC knew that if mothers would take 400 micrograms of folic acid—I think it is micrograms or milligrams of folic acid—that would help to prevent neurotube defects. Even though they knew that, FDA would not allow that claim to be made, and about 1,250 children a year were born with spina bifida as a result that could have been avoided. We have come a long way since then.

Congress wisely recognized that had to change, and public health authorities believe hundreds of babies have been born without spina bifida because of the now wide use of folic acid—something we knew 11 years before DSHEA of which the FDA was aware but would not allow pregnant women to understand.

Now, are there problems with DSHEA? If there are problems, I believe they lie largely in the fact it has not been enforced vigorously. We certainly have given FDA the power to enforce the law. Both Senator HARKIN and I have complained that up until recently they had not been enforcing the law, almost sitting aside waiting for something to occur that was out of the ordinary. I have to say, since Dr. McClellan took over, and now Dr. Crawford, I believe the law is being enforced, and we have seen some very strong evidence of that.

As many of our colleagues, I have been frustrated with the agency's slowness in implementing certain provisions. For example, the law authorized FDA to develop good manufacturing practice guidelines, or GMPs, specific to supplements. The agency failed to act on this provision until 1999—5 years later—only submitting a proposal to the Office of Management and Budget in the last month of the Clinton administration. Delays and rewrites occurred for 2 years. Finally, the proposal was published earlier this year—almost 10 years after we gave them the power to do this.

Why are GMPs, good manufacturing practices, so important? They are the standards FDA inspects against to make sure the products are manufactured with purity and sanitation, to make sure they are properly labeled. So these are very important rules to have on the books, and this delay has been very troubling, especially to us as authors of the bill giving them the authority to do this.

But that has changed, as I cited earlier, noting the FDA's actions against androstenedione and ephedra, among other products. We have a carefully crafted safety standard in the law, a standard that was agreed to by then-Chairmen KENNEDY, DINGELL, and WAXMAN. When the FDA took action against ephedra-containing products earlier this year, it was the first time in the 10-year history of the law that the safety standard was invoked, even though we have been pushing to have it invoked. It is hard to maintain a law is not working if its powers are not used. I am heartened that the FDA acted to remove andro from the market earlier this year, thus helping to protect young athletes from its numerous adverse health effects, but it should not have taken that long for the agency to act.

We do have tools within the law that give the FDA the authority to act against problem supplements, as I have outlined.

I might add that to assure Chairman DINGELL, we also gave the FDA a very broad safety authority, a tool so broad that I was reluctant to provide it to the FDA given the agency's animosity against supplements. That authority, the ability of the Department of Health and Human Services to declare a product an ''imminent hazard'' and remove it from the market, no questions asked, has never been invoked either. Some have alleged it has not been invoked because it is ill-defined. On the contrary, it was deliberately crafted to be defined by HHS to meet any safety concerns the agency may raise. So here is another powerful tool the agency can use against a product if it has safety concerns.

Finally, with regard to the safety profile of so-called stimulants, I am aware this is a special concern of Senator DURBIN and Senator KENNEDY. Under the law, as it currently exists, as we enacted it, a dietary supplement—be it what Senator DURBIN considers to be a stimulant or any other product—must be safe. If it is not, the FDA can immediately act against it under the law. It is hard to segregate one type of product or define it, an inherent problem in trying to tailor the law to address stimulants only. Should we include caffeine? Everybody knows that is a stimulant. What about colas? What about chocolate? Why shouldn't they be included? What about over-the-counter stimulant products? Generally, there are no requirements for adverse events reporting for them either. Why the differentiation?

In 2002, estimates are that 182 persons died from taking acetaminophen as directed. Yet this is a broadly sold drug, over-the-counter drug. Why should there not be AER requirements for such over-the-counter products as well, or maybe that is where we are headed with this type of an amendment.

Perhaps we should look at the very notion that an AER system would prevent death or injury. AERs tell us that 55 men died in the first few months Viagra was marketed. What was the response? The FDA did not move to pull the product from the market. Instead it moved to include warnings for those men who may have been at risk due to cardiac disease, which is what you would expect. Believe it or not, Congress didn't have to take any action. It is the same situation here.

It is important for our colleagues to understand this background about the law as it is useful for evaluating the Durbin amendment, which I hope our colleagues on the Senate floor will vote down. I hope it will help my colleagues understand why voting in favor of the Durbin amendment at this time is very premature.

This amendment would amend the DOD reauthorization bill to prohibit military installations from selling stimulant-containing dietary supplements unless the manufacturer agrees to mandatory reporting of any serious adverse events to the FDA related to the use of the product. It may surprise some to know that I am not opposed to better reporting of adverse events connected with supplements; nor, for that matter, am I opposed to better reporting of adverse events for over-the-counter drugs which many erroneously believe are generally subject to adverse event reporting or AERs, as this debate calls them. Indeed, Senator HARKIN and I have been working to improve adverse event reporting for dietary supplements and over-the-counter drugs. Funding has been included in a number of appropriations laws to give FDA resources for adverse event reporting for supplements. If there is a serious problem with an aspirin, a vitamin, an herb, or a cold remedy, should not our policy be the same, that authorities are alerted to that serious problem?

But the Durbin amendment is not the way to go about this. First, it is an extraneous amendment to the Department of Defense bill, especially at a time when our Nation is at war. This is the wrong time and the wrong place for this discussion. I wonder if the families of our service members are bewildered watching us spend so much time talking about what products they can buy at the commissary, especially when the DOD already has the authority to limit any sales. If there is an issue with a dietary supplement or supplements—and in this case, I do not believe there is—it should not be considered only in the context of military installations but, rather, as a matter of overall food and drug policy. Indeed, it is inconsistent with standing food and drug law to establish a policy governing a regulated product sold throughout the Nation and apply that policy only to certain facilities such as military installations.

Surveys have shown that 70 to 90 percent of soldiers are users of dietary supplements. Military personnel and their families, as all other Americans, benefit from the protective effects of

supplements and from their positive health benefits. What is the rationale for singling them out for different treatment? I find this particularly peculiar given that the Department of Defense has the ability to decide what is marketed on military bases. In fact, DOD removed ephedra from commissaries long before the FDA banned the product for general use.

If the Department of Defense perceives a problem with these supplements, it can preclude their sale to the military, as the DOD has already done with regard to ephedra. But beyond that, I am not aware of any reported problem relating to the sale of ''stimulant'' dietary supplements on military bases and, thus, see no reason to place the restrictions contained in the Durbin amendment.

Second, in a similar vein, in view of the FDA's too-long, ridiculously long lag time in coming to grips with the regulation of ephedra, which I can only assume gave rise to this amendment, I recognize that the Durbin amendment has a certain curbside appeal. I urge my colleagues to look beyond that. As a matter of food and drug law, there is no basis for separating one type of dietary supplement from another. I maintain that if there are serious adverse events associated with any legally sold dietary supplement, then there should be a better reporting system so FDA can take appropriate action. I remain ready and willing to work with any or all of my colleagues to create such an adverse event reporting system.

Third, as a matter of food and drug law, it does not make sense to have what amount to interparty agreements between a manufacturer and a defense installation for an FDA-regulated product to be marketed. We have a long history of tradition in this country, grounded in the Federal Food, Drug, and Cosmetic Act, that policies governing FDA-regulated products are national in nature, applying across points of sale, across manufacturers, and across the various States.

Let us say for the sake of argument that a certain dietary supplement is found to cause respiratory problems. Should the FDA only become aware of the problems when the product has been sold in a commissary? As a matter of public health, wouldn't we want to know if that is the case wherever the product is sold and in whatever store and in whatever State so appropriate public health safety measures can be considered?

Fourth, the timing of this amendment is premature. It has not been studied by the committee of jurisdiction, nor has the Food and Drug Administration, the administering agency, taken a position. Surely they should have a hand in the development of any such policy, as I believe should Senator HARKIN and I as the prime Senate authors of the 1994 law governing regulation of supplements.

I am deeply troubled that the Senate HELP Committee, which has jurisdiction over the Federal Food, Drug, and Cosmetic Act, has not even been able to consider this proposal. Since this is such an important matter, I believe it must be considered by the committee of jurisdiction before it is considered by the full Senate. That is the way we usually operate in these very serious Food, Drug, and Cosmetic Act and food supplement areas.

I have learned after many years in the Senate that the most successful legislative proposals are those that are properly considered and debated by and within the committees of jurisdiction. I would like to see consultation with the HELP Committee, with the Food and Drug Administration, and other scientific organizations, with appropriate input from the dietary supplement industry before any proposal is voted upon by the full Senate. That would be the fair and reasonable way to go about this, not just some off-the-cuff amendment that specializes in a particular area—in this case the military commissaries—that has no real backing to it other than that some people think it might be helpful.

The final reason this amendment is unnecessary is the FDA is already investigating products the Senator from Illinois terms ''stimulants.'' The FDA is well aware of issues associated with products Senator DURBIN refers to as stimulants, although there is no such category in food and drug law. FDA is looking closely at products such as ephedra, which it recently banned, and ephedra substitutes such as citrus aurantium or bitter orange. FDA and the National Institutes of Health are studying the safety of citrus aurantium. The proposed amendment singles out supplements that contain stimulants, including those that contain caffeine.

As a point of fact, some military personnel are encouraged to use stimulants. Pilots use them on long flights. I submit that many service members use more caffeine through coffee, tea, and soft drinks such as Coca-Cola, Pepsi, Mountain Dew, and Dr. Pepper than they do in dietary supplements. For all of the concerns of the distinguished Senator from Illinois, I am not aware of many adverse reports that would come from their use, nor am I aware of real serious adverse reports that would come through the use of basic dietary supplements. But if they do, then the FDA should consider those. And they would be important. At least we would have a system that works. I could see groups in this society ginning up adverse event reports for no other reason than to damage some manufacturer. We want to prevent that. That is another reason why we want to look this over.

I got an e-mail from a service member's father this morning about his son who is currently serving in Baghdad. His division commanders have now banned the consumption of Red Bull, the highly-caffeinated energy drink, after reports of several soldiers collapsing and perhaps dying while patrolling in 120-degree heat after consuming this drink.

This shows the defects in the Durbin amendment—since it would not even address high levels of caffeine use—and the fact the system works, since military leaders are taking action to preclude unwise use of this product or any other product, for that matter.

As many in this body are aware, Senator DURBIN has a companion bill, S. 722, which proposes one way to set up an AER system for supplements. The Durbin bill, as with the present Durbin amendment, is very troubling.

One huge concern I have with this bill is it could lead to premarket approval of so-called ''stimulants.'' For this body to impose a premarket approval system on dietary supplements would be a blunder of vast proportions.

If my colleagues contemplate the matter, they will quickly realize it would not be practical for manufacturers to seek marketing approval of dietary supplements, most of which cannot be patented. How would a company underwrite the high costs of FDA approval, costs which can run into hundreds of millions of dollars in the case of pharmaceutical products?

The answer is simple: Companies cannot sustain this cost and consumers will lose their ability to choose the dietary supplement products they will purchase. If the Members of the Senate and Congress want hundreds of thousands of letters and phone calls to come from the users of dietary supplements, if that is what it takes, we will accommodate them because the people out there know these products are helpful to them. They know they are more healthy because of them. They do not want the Senate telling them what to do. They would, I think, prefer the FDA to determine what is and what is not efficacious, only after there has been serious compliance with the Dietary Supplement Health and Education Act which gives FDA the authority to do some of the things that can be done to protect the public.

A premarket approval requirement would be the death knell for the dietary supplement industry. That is one reason why we fought through the Dietary Supplement Health and Education Act. We fought it through because we knew it would kill this very important industry that 150 million people benefit from every day. Beyond that, there is no need for preapproval of dietary supplement products.

Indeed, the grandfather provision in the law was suggested by House Democrats, who no doubt recognized the majority of supplement products on the market pose no safety concerns. That, coupled with strong enforcement authority for the FDA, gives consumers assurance that they are taking safe products.

Back to the amendment at hand.

It is obvious to me the target of this amendment is FDA regulation of certain stimulant-containing dietary supplements, not the health and readiness

of our Armed Forces. Let me emphasize that the DOD reauthorization bill is the wrong vehicle to amend the Dietary Supplement Health and Education Act. This amendment will not—I repeat, will not—ensure the health and readiness of the members of the Armed Forces.

For these reasons, I urge my colleagues to vote against the Durbin amendment. The Hatch-Harkin amendment is a much better alternative. It states the sense of the Congress that the FDA should make it a top priority to fully and effectively implement the Dietary Supplement Health and Education Act, including taking appropriate enforcement action against unsafe supplements.

Our amendment urges the Department of Health and Human Services to work with outside scientific organizations and the industry, as appropriate, to develop a proposal for better adverse event reporting both for dietary supplements and for OTC products for the Congress to consider.

Finally, our amendment restates the obvious: that adequate resources must be made available for the effective oversight of dietary supplements and sound, scientific research about their benefits and/or problems.

On April 19, just 2 short months ago, Dr. Crawford, currently running FDA, outlined a science-based plan for dietary supplement enforcement. He said:

> FDA is absolutely committed to protecting consumers from misleading claims and unsafe products.

He noted that in the past 6 months, the agency had inspected 180 domestic supplement manufacturers, sent 119 warning letters to distributors, refused entry to 1,171 foreign shipments of supplements, and seized or supervised voluntary destruction of almost $18 million worth of mislabeled or adulterated products.

''We will continue to aggressively enforce the DSHEA against unsafe and mislabeled products,'' the Acting FDA Commissioner said. Congress should support him in that effort, and this amendment does not constitute that type of support. That is the aim of the Hatch-Harkin amendment, and I ask our colleagues to join with us in supporting this measure.

Millions of Americans enjoy the daily benefits of dietary supplements. Among them are military families. Let's not act precipitously. Let's not upset an agency that is finally starting to do its job and enforce the law we gave them 8 years ago giving them the powers to do the job. Let us adopt the Hatch-Harkin amendment and guarantee American consumers have continued access to the safe, beneficial products they want.

I am proud of DSHEA. DSHEA has given FDA the authority it never had before. There is no excuse for FDA not to do the job. Since Dr. McClellan took over at FDA and now Dr. Crawford, they are doing the job. It took us almost 10 years to push them to do that, and now all of a sudden, they are doing a great job in this regard, and I do not want to undermine what they are doing. There is plenty of authority within the DSHEA law for them to do the job and do it right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3463 TO AMENDMENT NO. 3225

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3463 to amendment No. 3225.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require certain dietary supplement manufacturers to report certain serious adverse events)
>
> At the end of the amendment, insert the following:
>
> (d) This section becomes effective upon enactment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, for the edification of my colleagues, we are working on a procedural agreement on how to address these amendments in a timely fashion. I hope we can reach that agreement, and I think we will soon. In the meantime, I will speak to the merits of the issue. Senators HARKIN and HATCH have offered an amendment relative to dietary supplements to the bill before us, the DOD authorization bill.

People are asking, Why would you have a debate over dietary supplements on this bill? Sadly, the fact is dietary supplements have been such a danger to our Armed Forces that between 1997 and 2001, 30 Active-Duty personnel in the U.S. military have died after taking ephedra, a dietary supplement marketed for weight loss and energy and was eventually banned by all branches of the armed services, and ultimately by the FDA.

In fact, the danger of ephedra-containing dietary supplements was first noted by our Armed Forces when they looked at the prevalence of their usage and the dangerous outcomes from these supplements. Before the FDA took this product off the market in America, the U.S. military took it off the market on all of our military bases and warned our soldiers. U.S. Armed Forces Commander, COL Jerald Cross said:

> The bottom line is that dietary supplements are not a safe choice for soldiers or their families.

To argue that the issue of dietary supplements has no place in the Department of Defense authorization bill ignores the obvious. Soldiers serving America have died taking dietary supplements that were sold on military bases. As a result of those deaths and serious outcomes of more than 30 soldiers, the military banned dietary supplements, and particularly those containing ephedra. Now they are watchful of many others.

Recently published in one of the military publications was an article on performance-related supplements, it detailed the product, claim, and fact, so that members of the Armed Forces know the danger of dietary supplements. To suggest that this issue doesn't belong on this DOD bill is wrong. It is an issue which may not rise to the moment of fighting a war in Iraq or a war on terrorism, but it is a life-and-death issue which has claimed the lives of 30 unsuspecting, innocent, patriotic Americans serving in our Armed Forces.

Before us today is an alternative being offered by Senators HARKIN and HATCH. Both of them were involved in the early days in the creation of the bill that regulates dietary supplements in America. It is worth a minute or 2 to describe to those following the debate what this is about. The decision was made in 1994 to create a category of compounds being sold and call them dietary supplements. We originally had, of course, prescription drugs, over-the-counter drugs, and foods; and in 1994 the decision was made to create this new category of dietary supplements. Within that category falls a lot of benign and safe products that many of us take every day. I took my vitamin this morning. I asked Senator HARKIN, and he took his, too. That is good. Maybe it is good for me, maybe it is not. I think it might be good for me to take it and so do millions of other Americans.

The obvious question is, when you go beyond the multivitamins, the vitamin C, fish oil, flax oil—when you go beyond these into new compounds called dietary supplements that are sold with the stated purpose of helping you to have more energy, to lose weight, then you have moved beyond the simple compounds in vitamins and minerals and into new combinations which, frankly, fall into the category of dietary supplements.

So how are these supplements tested? There is one thing Senators HATCH and HARKIN have not mentioned, which should be on the record. Dietary supplements, before they are sold to Americans, are not tested. There is no requirement in the law for dietary supplements to be tested. So when these products come to the shelves of our local vitamin and mineral nutrition store, or the local drugstore, and you walk in and read the label and think you would like to have more energy, so

you will take this dietary supplement, understand this: You are a test case. You are testing this product. You are going to decide from your physical reaction whether this product is safe, whether, in fact, it should be sold in America.

Secondly, what if it is not? What if the dietary supplement, created by some company here or overseas, is not safe? What if you take an ephedra product, as a 16-year-old high school student did a few miles from my home—he bought it at a gas station over the counter and washed it down with Mountain Dew because he wanted more energy for his high school football game. He took the product and started feeling poorly and died the next day of a heart attack—a healthy 16-year-old boy—from an ephedra product.

Ask yourself, if his family contacted the company that sold the product and said, what—he bought Yellow Jackets, which is the name of the ephedra product. If they notify the company, what does Senator HATCH's law require the company to do with that information? A 16-year-old boy died from that Yellow Jacket. The answer is, there is nothing, no requirement—none whatsoever—to report a death or heart attack or stroke from a dietary supplement. That is what DSHEA—the Dietary Supplement Health Education Act—is all about. There is no testing in advance to make sure the supplement is safe, no testing to make sure it actually gives you more energy, even if it claims it does on the label, and no requirement of the company making the supplement to notify the Government that people are getting sick and dying from taking the product.

How many Americans know that? How many Americans know that when you walk into that drugstore and grab that bottle of Metabolife, one of the biggest sellers of dietary supplements, that this product, a stimulant that could be dangerous for some people, has never ever been tested? No clinical testing whatsoever. How many people know that the claims that this product, Metabolife, gives you more energy have never been verified? They just state that on the label.

Consumer beware. How many people knew that Metabolife, which sold millions of dollars' worth to consumers all across America, caused significant adverse events when it was combined with ephedra? About 4 years ago, they went to Metabolife and asked: How many people have reported having taken your product and had bad results?

Metabolife said: None, zero.

Then do you know what happened? Lawsuits and investigations showed they lied, they deceived the Government. They had over 16,500 adverse events of Metabolife with ephedra reported. They never told the Government, but because of lawsuits, they were forced to disclose them. Some of them were extremely serious. More than 100 people had died from these ephedra-related products, and there was no requirement under DSHEA whatsoever for that company to report to the Government that, in fact, people had died as a result of taking it.

My amendment says, if you want to sell a dietary supplement containing a stimulant on a military base, you have to report to the Food and Drug Administration if there is a serious adverse health event from the product you are selling. If someone has a stroke, is hospitalized, faces some serious injury, or dies, you have to report it.

Now, is that too much to ask? Is that so radical that this industry is now flooding e-mails across America about this terrible Durbin amendment?

This is what they say about it: The Durbin amendment holds dietary supplements to a higher level of scrutiny than prescription drugs, over-the-counter drugs, and food additives. Partially true. Certainly a higher level than food additives. I do not think people who sell cinnamon, vanilla extract, or salt and pepper should be required to send in adverse event reports to the Food and Drug Administration, but I do believe if someone is selling Metabolife with ephedra or its latest replacement drug, this citrus aurantium, bitter orange, and people die as a result of it, yes, I think it ought to be reported. I would think if someone is buying dietary supplements, at the very minimum they would want that company to report to the Government that someone is dying from their products.

Now we have my colleagues from Iowa and Utah tell us this is an outrageous request, that it goes too far, that what we are asking for in this amendment is entirely unnecessary. At one point, they have called for a study that the Food and Drug Administration would engage in to determine whether these so-called adverse event reports should take place, not just for dietary supplements but for over-the-counter drugs.

There is nothing wrong with a study. In fact, a study is such a good idea that it has already been done, and it was released this year. Who asked for this study on dietary supplements? The Food and Drug Administration. Whom did they turn to ask for it? The Institute of Medicine.

I do not think this Institute has any ax to grind. These are professionals and they were asked to take a look at the dietary supplement regulatory structure.

Do my colleagues know what they found on page 13.5? Here is the recommendation from the Institute of Medicine: Congress should amend DSHEA to require that a manufacturer and distributor report to the FDA in a timely manner any serious adverse event associated with use of its marketed product of which the manufacturer or distributor is aware.

That is exactly what my amendment calls for when it comes to sales on military bases.

The Senator from Utah has said, Why are we not taking this up in a larger context? Why are we not discussing this for all dietary supplements for all Americans? I am for it. Let us hold the hearings.

I have already held three hearings in the Government Affairs Committee on dietary supplements. As a result of the first hearing, we started sending letters to Secretary Tommy Thompson of Health and Human Services, and after over a year of deliberation the Food and Drug Administration joined my State of Illinois and others, the nation of Canada, military bases, as well as major sports organizations, and called for the banning of ephedra. They said that dietary supplement was too dangerous.

Well, we held our hearings. I am certainly open to holding more, but we have a good starting point. It appears everybody agrees and understands the premise that if one is going to sell a product in America, that is supposedly designed to make people healthier, then, at the very minimum, when that product causes a bad health result, a serious adverse health result, it should be required to be reported so we can gather that information. If we find that 5, 10, 15, 20, 100, or 1,000 people are getting sick from this dietary supplement, for goodness' sake, would we not want to take it off the shelf? Do we not owe that to the American consumers?

Some argue, like the industry: Leave us alone. Let us sell whatever we want. Let us make whatever health claims we want. We should not have to test our products. We should not have to even have standards when it comes to what is included in those products.

I say to Senator HATCH, it has been 10 years since he enacted DSHEA and he knows, as I do, that the Food and Drug Administration has yet to promulgate good manufacturing practices for that industry. Do my colleagues know what that means? Ten years after Senator HATCH and Senator HARKIN worked on this law, it means that even the things that are represented on the labels of these dietary supplements are not necessarily true. There is no requirement to list the purity of the ingredients. There is no requirement in terms of standards and contents of these ingredients. Here we are 10 years after this law was enacted and it is the Wild West. It is a product and an industry with, frankly, little or no regulation.

They put one provision in there which is supposed to give us some comfort, and cold comfort it is. The Food and Drug Administration, which, in the opinion of some has lots of resources and lots of time to spend on this thing, can decide that a product for sale in America is dangerous, investigate it, and remove it. The burden is not on the producer, the manufacturer; the burden is on the Government to prove it is dangerous.

So how often do my colleagues think the Food and Drug Administration can comb through the shelves of these nutrition and drug stores and come up

with the new combinations and test them to find out that they are safe? That is an impossible responsibility to shift to the Food and Drug Administration. As a result of that——

Mr. HATCH. Will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. HATCH. I have been enjoying listening to the distinguished Senator. Let me ask this: Would the Senator be willing to resolve this problem by working with Senator HARKIN and me to come up with a broad-based law that handles the adverse events reporting matter? Because my objection is that this is a helter-skelter approach to doing it, that will not solve the problems that the distinguished Senator thinks exist. I would be willing to work with the Senator rather than do this in this fashion on this particular bill, because I am not against adverse event reporting.

I am against premarket approval, which is what the Senator seems to be arguing for, which would price vitamins, minerals, and other products off the charts so that the average person, the 150 million people who use them for their health benefit, including, I am sure, the distinguished Senator and myself, would not be able to afford them.

I think it is going to take some very careful workmanship, working with the HELP Committee and with other Senators and Members of the House, to do an appropriate adverse events reporting enactment or statute that makes sense rather than do this on an ad hoc basis without defining how it is done, defining what adverse event reporting is, how they report, what they report on, and what is meaningful. I would be more than happy to work with my friend. I am sure I can speak for Senator HARKIN as well. Our goal is not to allow companies that are not doing appropriate dietary supplements to be in business. If the Senator would withdraw his amendment, I am willing to work very carefully with him in good faith and work hard to try to resolve this problem, because I think the Senator also would—and I would ask him if he would know this as well—know that there are people in this world who do not like anybody and there could be a lot of phony adverse event reporting.

The Senator uses the term ''serious.'' I am not against having serious adverse event reporting but what the Senator is asking for here is not definitive. It would not be accurate. It could be interpreted to place severe burdens on the whole dietary supplement industry, which has been a very health-promoting industry over the years and which is one of the great industries of our country.

Those who are the top people in the industry want the industry to be totally honest in its approach toward everything that is manufactured as a dietary supplement. Certainly I do and certainly Senator HARKIN does, and I acknowledge that the distinguished Senator from Illinois does.

I would be happy to work with the Senator. I do not think this is the way to do it. In fact, I know it is not the way to do it. All we are going to do is get in big arguments without getting anything done.

Mr. DURBIN. I thank the Senator from Utah. In response to his inquiry, the answer is a very strong affirmative. The answer is, yes, I would like to work with the Senator from Utah and the Senator from Iowa.

Mr. HATCH. Then why do you not withdraw the amendment.

Mr. DURBIN. Let me make a suggestion to the Senator from Utah, if I may. First, a serious adverse health event is specifically defined in my amendment to include death, life-threatening conditions, inpatient hospitalizations, disability, and incapacity. So it is very serious.

Mr. HATCH. Those are broad categories.

Mr. DURBIN. I think death is a very narrow category. You stop breathing. If that occurs, I think perhaps your dietary supplement needs to be looked at.

Mr. HATCH. Is the Senator aware the pharmaceutical industry is willing to keep going because of the hoped-for benefits in the dietary supplement industry? There are 100,000 people a year who die from toxicity. Even in the cases the distinguished Senator has quoted, there is a real question whether the deaths occurred from dietary supplements or from other factors. I think it is very difficult. Naturally people want to blame it on dietary supplements, but we have had 100 years or more—actually centuries of dietary supplements without deaths. All of a sudden, every time somebody dies they blame it on a dietary supplement.

We are a far cry from defining what it means to report adverse events. I would be willing to work with the Senator. I believe we could come up with something that really would work, that would be accepted by the industry and accepted by the FDA, and would give the FDA even more teeth than it has perhaps now, although we gave them plenty in DSHEA. I went over that in my remarks on the Senate floor, but I would be happy to do that.

Mr. DURBIN. Let me say to the Senator from Utah, let me make a suggestion if I might. My bill to amend DSHEA has three component parts to it. One of them was to ban steroids sold as dietary supplements. I know the Senator agrees with that position.

Mr. HATCH. I do.

Mr. DURBIN. Because he and Senator BIDEN have introduced a bill to accomplish the same goal. I would like to suggest to the Senator from Utah that we work together to add the adverse reporting requirement into that bill.

Mr. HATCH. If the Senator will withdraw his amendment, I will commit to do exactly that. What I do not want is a Dietary Supplement Health and Education Act adulterated with helter-skelter amendments that do not apply across the board. Frankly, I think the amendment of the distinguished Senator is in that nature, even though I know it is well meaning and sincere. But I am saying if you work together, we will do that.

Mr. DURBIN. My good friend and colleague from Utah is an extraordinarily busy man with responsibility on the Senate Judiciary Committee and responsibility of chairing that important committee. It was important for me to get his attention and the attention of all those in this industry, and now we are in dialog and I would like to suggest to the Senator from Utah the following: If he will agree to work with me and others to amend the bill he has introduced with Senator BIDEN on the steroids used as a dietary supplement to include adverse event reporting, which at least meets the goals we have talked about here, I would be more than happy to work with him, and I will be prepared to withdraw my amendment.

Mr. HATCH. You will withdraw the amendment if I am willing to do that?

Mr. DURBIN. If I have your assurance that we can work on this.

Mr. HATCH. As long as the industry is being consulted and is not just being pushed around. If the industry is consulted.

Mr. DURBIN. Oh, absolutely.

Mr. HATCH. I believe responsible people in the industry—and most all of them are—if they are consulted, I believe they can help us in this area. I believe we can do the consuming public a great service in coming up with an efficient, workable, well-thought-out adverse event reporting system that FDA would appreciate as well. Yes, I am willing to work with the distinguished Senator, and I am willing to work—I can't speak for Senator BIDEN, but I believe he would be willing to work to add that to the ban on steroid use.

Mr. DURBIN. I say to the Senator, if I might through the Chair, I would like to set as a goal doing it this year.

Mr. HATCH. If we could get our leadership to do that on both sides, I would like nothing better than to pass that Hatch-Biden bill. I would like nothing better than for us to come up with an appropriate way of handling adverse event reporting that really makes sense, that helps the industry and yet makes sense for the consuming public as well, and to FDA. But it would have to have consultation with the industry as well.

Mr. DURBIN. I agree with the Senator. I would tell you endorsers of my amendment, the American Medical Association, American Dietetic Association, the American Osteopathic Association, the Center for Science and the Public Interest, the American Society for Clinical Pharmacology—I want them to be in on this conversation, too.

Mr. HATCH. No problem.

Mr. DURBIN. Let's bring them all together. With that understanding, I am

prepared to withdraw our amendments which we have pending.

Mr. HATCH. We will withdraw ours if the Senator withdraws his.

AMENDMENTS NOS. 3463, 3462, AND 3225 WITHDRAWN

Mr. DURBIN. I ask unanimous consent to withdraw my perfecting amendment and, after the substitute is withdrawn, to withdraw my underlying amendment.

Mr. HATCH. Under these circumstances I ask unanimous consent to withdraw my substitute amendment as part of that unanimous consent agreement, and you will withdraw the underlying amendment?

Mr. DURBIN. That is correct.

The PRESIDING OFFICER. Without objection, the underlying amendment and the two amendments thereto are withdrawn.

Mr. HATCH. All three amendments.

The PRESIDING OFFICER. The Democratic whip?

Mr. REID. Mr. President, people wonder if debate helps. It does. This is a perfect example of how. This debate has helped resolve a very contentious issue. I congratulate Senators HATCH and DURBIN for their work.

I ask unanimous consent that there be 2 minutes equally divided prior to the vote with respect to the Warner amendment this evening.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. I ask also there be 2 minutes prior to the Lautenberg vote we are going to have this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, at this time the Senator from Wisconsin——

Mr. HATCH. Will the Senator yield for just a minute?

Mr. REID. I am happy to.

Mr. HATCH. I would like to thank my colleague from Illinois for his willingness to withdraw his amendments. I want to work very closely with him in resolving these problems we have been discussing on the Senate floor. I am grateful to do that, and I think it is important.

Mr. REID. The Senator from Wisconsin has been waiting very patiently all afternoon. He has an important amendment. He can finish the debate prior to 5:30 today when our vote starts. The majority will have to make a decision on what they want to do with his amendment.

I ask the pending amendment be set aside and the Senator from Wisconsin be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

AMENDMENT NO. 3288, AS MODIFIED

Mr. FEINGOLD. I thank the Senator from Nevada for his help making it possible to bring up this amendment.

I call up amendment No. 3288 and ask for unanimous consent to modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I send those modifications to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BYRD, Mr. LEAHY, Mr. DODD and Mr. WYDEN, proposes an amendment numbered 3288, as modified.

Mr. FEINGOLD. 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 rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority)

At the end of subtitle F of title X, add the following:

SEC. 1055. REDESIGNATION AND MODIFICATION OF AUTHORITIES RELATING TO INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) REDESIGNATION.—(1) Subsections (b) and (c)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each amended by striking ''Office of the Inspector General of the Coalition Provisional Authority'' and inserting ''Office of the Special Inspector General for Iraq Reconstruction''.

(2) Subsection (c)(1) of such section is further amended by striking ''Inspector General of the Coalition Provisional Authority'' and inserting ''Special Inspector General for Iraq Reconstruction (in this section referred to as the 'Inspector General')''.

(3)(A) The heading of such section is amended to read as follows:

''SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.''.

(B) The heading of title III of such Act is amended to read as follows:

''TITLE III—SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION''.

(b) CONTINUATION IN OFFICE.—The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''of the Coalition Provisional Authority (CPA)'' and inserting ''funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(2) in paragraph (2)(B), by striking ''fraud'' and inserting ''waste, fraud,''; and

(3) in paragraph (3), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense''.

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking ''of the Coalition Provisional Authority'' and inserting ''supported by the Iraq Relief and Reconstruction Fund''.

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)(1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense'';

(2) in subsection (h)—

(A) in paragraphs (4)(B) and (5), by striking ''head of the Coalition Provisional Authority'' and inserting ''Secretary of State''; and

(B) in paragraph (5), by striking ''at the central and field locations of the Coalition Provisional Authority'' and inserting ''at appropriate locations of the Department of State in Iraq'';

(3) in subsection (j)—

(A) in paragraph (1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''the head of the Coalition Provisional Authority'' the first place it appears and inserting ''the Secretary of State or the Secretary of Defense''; and

(II) by striking ''the head of the Coalition Provisional Authority considers'' the second place it appears and inserting ''the Secretary of State or the Secretary of Defense, as the case may be, consider''; and

(ii) in subparagraph (B), by striking ''the head of the Coalition Provisional Authority considers'' and inserting ''the Secretary of State or the Secretary of Defense, as the case may be, consider''; and

(4) in subsection (k), by striking ''the head of the Coalition Provisional Authority shall'' each place it appears and inserting ''the Secretary of State and the Secretary of Defense shall jointly''.

(f) DUTIES.—Subsection (f)(1) of such section is amended by striking ''appropriated funds by the Coalition Provisional Authority in Iraq'' and inserting ''amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund''.

(g) COORDINATION WITH INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Subsection (f) of such section is further amended striking paragraphs (4) and (5) and inserting the following new paragraph (4):

''(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

''(A) The Inspector General of the Department of Defense.

''(B) The Inspector General of the United States Agency for International Development.

''(C) The Inspector General of the Department of State.''.

(h) POWERS AND AUTHORITIES.—Subsection (g) of such section is amended by inserting before the period the following: '', including the authorities under subsection (e) of such section''.

(i) REPORTS.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''and every calendar quarter thereafter,'' and all that follows through ''the Coalition Provisional Authority'' and inserting ''again on July 30, 2004, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(B) in subparagraph (B), by striking ''the Coalition Provisional Authority'' and inserting ''the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable,'';

(C) in subparagraph (E), by striking ''appropriated funds'' and inserting ''such amounts''; and

(D) in subparagraph (F), by striking ''the Coalition Provisional Authority'' and inserting ''the contracting department or agency'';

(2) in paragraph (2), by striking ''by the Coalition Provisional Authority'' and inserting ''by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(3) in paragraph (3), by striking ''June 30, 2004'' and inserting ''July 30, 2004''; and

(4) in paragraph (4), by striking ''the Coalition Provisional Authority'' and inserting ''the Department of State and of the Department of Defense''.

(j) TERMINATION.—Subsection (o) of such section is amended to read as follows:

''(o) TERMINATION.—The Office of the Inspector General shall terminate on the date that is 10 months after the date, as determined by the Secretary of State, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.''.

Mr. FEINGOLD. I ask unanimous consent Senators BYRD, LEAHY, DODD, and WYDEN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, last year I offered an amendment to the supplemental bill for Iraq and Afghanistan that established an inspector general for the Coalition Provisional Authority so that there would be one auditing body completely focused on ensuring taxpayer dollars are spent wisely and efficiently, and that this effort is free of waste, fraud, and abuse.

Today the CPA, as we all know, is phasing out, but the reconstruction effort has only just begun. According to the Congressional Research Service, as of May 18, only $4.2 billion of the $18.4 billion Congress appropriated for reconstruction in November had even been obligated. This amendment would ensure that the inspector general's office can continue its important work even after June 30 rather than being compelled to start wrapping up and shutting down while so much important work remains to be done.

It renames the Office of the CPA IG, changing it to Special Inspector General for Iraq Reconstruction. The amendment establishes that this inspector general shall continue operating until the lion's share of the money Congress has appropriated to date for the Iraq relief and reconstruction fund has been obligated.

American taxpayers have been asked to shoulder a tremendous burden when it comes to the reconstruction of Iraq. Over 20 billion taxpayer dollars have been appropriated for the Iraq relief and reconstruction fund. That is more than the entire fiscal year 2004 Foreign Operations annual appropriation. It is more than the entire fiscal year 2004 Foreign Operations annual appropriation. This is a tremendous sum to devote to one country.

We all agreed last year that it required an entity on the ground, exclusively focused on this effort, to ensure adequate funding and oversight. We agreed that we need a qualified, independent watchdog with all the powers and the authorities that accrue to inspectors general under the Inspector General Act of 1978. We agreed that business as usual whereby individual agency IGs attempt to oversee this mammoth effort in addition to everything else the agency does is simply not appropriate in this case. There is nothing ordinary about the nature of the U.S. taxpayer investment in Iraq. Ordinary measures will not suffice.

This amendment modifies the legislation creating this IG to ensure that it does not disappear along with the CPA, but instead continues to operate until the amount of reconstruction spending in Iraq more closely resembles other large bilateral foreign assistance programs, which are overseen by existing agency inspectors general. Specifically, it phases out the special IG after 80 percent of the Iraq Relief and Reconstruction Fund appropriated to date is obligated. If that fund grows substantially in the next calendar, then Congress can consider the wisdom of adjusting this mandate accordingly.

Let there be no confusion—this inspector general is only tasked with overseeing how U.S. taxpayer dollars are spent. It does not have a mandate to oversee Iraqi resources. That is not what this is about. So there is nothing at all in continuing this operation that is inconsistent with the transfer of sovereignty on June 30.

Because the Department of Defense has responsibility for what is happening to some reconstruction dollars and the Department of State will have responsibility going forward, it makes good sense to have a focused IG on the ground who is able to see the entire picture at once—not being completely required to just focus on the State Department position or just focus on the Department of Defense portion. This amendment is in no way hostile to the reconstruction effort. This amendment is about trying to get it right.

Suggesting that a special inspector general's office continues to be in order in Iraq is hardly revolutionary. As I have mentioned, the reconstruction budget for Iraq is bigger than the entire FY04 Foreign Operations Appropriations bill. Yet five different inspectors general—at USAID, at the State Department, at the Defense Department, at the Treasury, and at the Export-Import Bank—are charged with overseeing portions of that account. in fact, currently some 41 Federal establishments and designated Federal entities with annual budgets less than $21 billion have their own, independent, statutorily mandated inspector general, from the Railroad Retirement Board to the Smithsonian Institution. We ask for focused accountability when taxpayer dollars are a stake in these situations. We must demand the same in Iraq.

Obviously, when you are talking about $20 billion just for this Iraq situation, we have to do the same thing. We must demand the same in Iraq.

To date, the inspector general for the Coalition Provisional Authority has made important progress, and has a some 30 active investigations and 19 audits underway. A whistleblower hotline established by the inspector general has received hundreds of calls. This is clearly not the time to pull the plug on his important effort.

I urge my colleagues to support this amendment. This is the critical point: to oppose this amendment is to vote for less oversight of the reconstruction effort in Iraq than we have today. It is a step backward if we don't. We cannot abdicate our oversight responsibility. The stakes are far too high for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there is a Senator who has concerns about the amendment now pending offered by the Senator from Wisconsin.

Frankly, I find a lot of appeal in this amendment. I am not able to indicate to the Senator how we will deal with this on this side until I have had an opportunity to consult with that particular Senator.

I suggest this be laid aside with the full understanding that it can be brought up again—maybe this evening or possibly tomorrow morning for such further comments as our side may have.

Mr. FEINGOLD. Mr. President, I appreciate the Senator's remarks and openness on the amendment. I certainly understand that he needs to consult with the chairman of the Appropriations Committee. I am eager to hear what possible concerns there may be.

I ask, once we come back to this, that the yeas and nays be ordered for purposes of a vote at some point.

Mr. WARNER. That is the Senator's prerogative.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I wonder if I might ask the Senator from Wisconsin a question before the amendment is laid aside.

As I understand it, under the Senator's amendment, the CPA's inspector general which now exists will go out of existence on June 30 without the kind of careful oversight which the inspector general provides unless language is provided which continues that kind of careful oversight, which is the purpose of the Senator's amendment. Is that my understanding?

Mr. FEINGOLD. Mr. President, the Senator from Michigan is correct. It would be very unfortunate given the important auditing work that is already underway. It is essential that we act and act quickly to allow those entities to continue in a renamed form.

Mr. LEVIN. Mr. President, I think this is a very vital amendment.

As I understand it, what the Senator from Virginia is saying is there is opposition that he knows of, or there is not.

Mr. WARNER. I will not characterize it as opposition, but a Senator on this side has indicated to me that he wishes to address this amendment before I as manager can speak for the committee. Actually, this is a matter now before our committee. Out of respect for him, I just ask it be laid aside.

Mr. LEVIN. I have no problem with laying that aside.

I have one other additional question so that our record can be clear. Perhaps this has already been stated. As I understand it, under the current state of the law, the situation that the State Department has determined is that when the CPA goes out of existence on the 30th, the inspector general goes out of existence with them. As I understand it, the State Department would like to take the $65 million in appropriated funds remaining in the CPA inspector general's account and apply it to some other purpose in that kind of oversight.

Is that the understanding of the Senator?

Mr. FEINGOLD. I am concerned. What the State Department proposes to do here is, instead of continuing the independent inspector general who would have the ability to report both to the Defense Department and the State Department—what the State Department partly wants to do is simply subsume this function within its normal inspector general and reinventing the wheel, which is not what we should be doing at this point. But I do believe the Senator has characterized correctly what we have been told the State Department would prefer to do here.

Mr. LEVIN. It is also my understanding that the CPA inspector general has about 40 auditors and investigators in Iraq—that the State Department apparently does not have plans to establish an inspector general's office of any size in Iraq. Is that understanding correct as far as the Senator knows?

Mr. FEINGOLD. I do know that the State Department certainly doesn't have people on the ground. It is definitely the case that the inspector general for the CPA has people on the ground—substantial staff working—I believe 80 people.

Let me check that.

Mr. LEVIN. Mr. President, we have provided in the supplemental bill which was enacted last year $18 billion in a special fund for the reconstruction of Iraq, and created an inspector general, giving that inspector general responsibility for auditing the expenditure of these funds. We appropriated money for that inspector general's activities. It seems to me the Senator from Wisconsin, as he so frequently does, put his finger on a very important accountability issue to make sure the taxpayers' funds are properly spent.

This is a huge expenditure of American taxpayers' funds. We have to find a way—and I think the Senator from Wisconsin has identified the path—that we can continue this function in a way to protect the taxpayers' funds.

I congratulate the Senator for this amendment, and I ask to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Michigan.

I misspoke when I said 80 staff members. There are 60 staff members at this point, including 20 auditors and investigators in Iraq.

The point the Senator from Michigan has already made is that the State Department itself indicates they would have to start from ground zero and staff up for this. We have excellent people already conducting a number of audits, and they are on the ground. It would not make sense to do it.

I am delighted the distinguished Senator from Michigan is a cosponsor. I look forward to further debate.

Mr. LEVIN. I have no objection to the amendment being laid aside for the purpose the chairman has indicated. That is perfectly fine.

Mr. WARNER. I thank my colleague.

Now, after the votes now scheduled to start momentarily, it would be our hope—I hope we share this—that you could bring up this very important amendment you have on missile defense and that it could be debated immediately following this vote. Debate might not be concluded tonight, but at least we can cover a significant portion of it. Am I correct?

Mr. LEVIN. The amendment does relate to homeland security needs to fissile material security and to missile defense all in one amendment. I am happy to begin the debate tonight, but I do not want to complete the debate tonight given the fact the vote is tomorrow.

Mr. WARNER. The Senator made that clear. So we begin debate right after that for such period of time as the Members involved debate—of course you, the presenter, I would be in opposition, and I am planning to have one or two others from my side in opposition—and that could consume, would the Senator estimate, maybe an hour, an hour and 20 minutes?

Mr. LEVIN. Depending on how many people are on the other side of the issue, it could be that long.

Mr. WARNER. I thank the Senator.

I am wondering, I will inquire whether or not we could go ahead and start the votes and use that time productively.

Mr. President, I now understand that is not feasible because Members are travelling to the Senate from considerable distances.

Mr. LEVIN. In addition, I believe one of the sponsors of the amendment may be on his way here and perhaps could use the few minutes that have been allocated.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are now 2 minutes of debate evenly divided.

Mr. LAUTENBERG. Mr. President, we are going to have a couple of amendments voted on very shortly. Our good friend, the distinguished chairman of the Armed Services Committee, and I have had a private colloquy. He has been very fair in his review of the amendment I originally proposed. He has a different amendment, and he will speak to his amendment.

I would like to amend my amendment. I am going to ask unanimous consent if it is possible to make a modest amendment to the amendment I already have at the desk.

Mr. WARNER. I say to my good friend, it is exactly 1½ minutes before the votes are scheduled. I have to object at this time. This would be an amendment in the first degree. Under the rules, it is not permissible without unanimous consent.

The PRESIDING OFFICER. The objection is heard.

Mr. LAUTENBERG. I hear my colleague and respect his ability to make a decision.

The PRESIDING OFFICER. The time for the Senator is expired.

Mr. LAUTENBERG. Thank you very much.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3458

Mr. WARNER. Mr. President, I will divide such time as I have. I believe it is 2 minutes. I will take 1 minute and give the Senator a minute.

We had a very good debate. It involves an extremely sensitive subject, the handling of the remains of those who die or perish one way or another in these theaters of conflict as they are brought to the United States.

The amendment in the second degree is drawn to preserve the most important priority, and that is the privacy of the families. It is, therefore, my position that the better course of action for the Senate is to go with the amendment in the second degree which is before all parties tonight and not open this matter to great scrutiny by the press, as does the underlying amendment in the first degree.

I yield the floor.

Mr. BIDEN. Mr. President, I rise to explain why I cannot support either the Warner or the Lautenberg amendment regarding the return of the remains of military personnel to Dover Air Force Base.

The Warner amendment was an endorsement of the current policy, which prohibits any news coverage. The Lautenberg amendment would allow for news coverage in all cases. I do not believe either approach is correct.

In terms of the Warner amendment, I do not agree with the current policy. It denies the sacrifice made by the brave men and women of our military. Anonymous photographs of flag draped coffins tell a real story about honor, courage, and sacrifice. The current Defense Department policy suppresses that story.

However, when those coffins are individually and respectfully taken from the transport plane to the mortuary, then the families should decide. At the point that caskets are being transported to the mortuary or when they are beginning their journey to their final resting place, each fallen hero is honored individually. In some cases, family members may be present. In most cases, they are not. Either way, the honor being paid to their loved one is for them to share or not. Some families may wish to honor their loved one by having the press present and others may find that same press coverage intrusive. It should be their decision. The families should have a clear veto authority and a clear ability to agree to press coverage of their loved one's transport at and within Dover Air Force Base. Unfortunately, the Lautenberg amendment does not clearly provide that authority.

For me, it is simple. We must not turn away from honoring our war heroes, but we must also recognize that each sailor, soldier, airmen, and marine is somebody's son, daughter, husband, wife, brother, or sister. When they die in the service of this Nation, they have made the ultimate sacrifice and it is the family that must bear the ultimate loss. The least we can do is let the family decide how much of that experience they wish to share.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. WARNER. Mr. President, I ask for the yeas and nays, to inform our colleagues of the need for a record vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair. Mr. President, that is on the second-degree as well as the first-degree amendment?

The PRESIDING OFFICER. It is on the amendment of the Senator from Virginia only.

Mr. WARNER. I thank the Chair.

Mr. LAUTENBERG. I have a question, Mr. President, for my colleague. The question is, Was it going to be a second-degree amendment or were these going to be independent, first-degree amendments?

Mr. WARNER. Let's go to the unanimous consent agreement. The Chair advised the Senate with regard to the unanimous consent agreement that was put in early this afternoon.

Mr. President, am I not correct that the vote is now scheduled for 5:30 on the second-degree amendment, and the yeas and nays have been ordered?

The PRESIDING OFFICER. The unanimous consent agreement provided that the amendment of the Senator from Virginia would be redrafted as a first-degree amendment.

Mr. WARNER. The Chair is correct. I accept the ruling. And the yeas and nays have been ordered; am I not correct?

The PRESIDING OFFICER. Yes, they have.

The question is on agreeing to amendment No. 3458, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) would each vote ''yea.''

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 38, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—52

Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bayh	Ensign	Nelson (NE)
Bingaman	Enzi	Nickles
Bond	Frist	Pryor
Breaux	Graham (SC)	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Snowe
Chambliss	Hutchison	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Levin	Talent
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NAYS—38

Akaka	Carper	Durbin
Baucus	Conrad	Edwards
Biden	Corzine	Feingold
Boxer	Daschle	Feinstein
Byrd	Dayton	Graham (FL)
Cantwell	Dorgan	Harkin
Hollings	Leahy	Rockefeller
Inouye	Lieberman	Sarbanes
Jeffords	Mikulski	Schumer
Johnson	Murray	Smith
Kennedy	Nelson (FL)	Stabenow
Kohl	Reed	Wyden
Lautenberg	Reid	

NOT VOTING—10

Alexander	Dodd	Miller
Bennett	Fitzgerald	Thomas
Burns	Inhofe	
Clinton	Kerry	

The amendment (No. 3458) was agreed to.

Mr. WARNER. 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.

AMENDMENT NO. 3291, AS MODIFIED

Mr. WARNER. Mr. President, I understand each Senator has 2 minutes; am I correct?

The PRESIDING OFFICER. Each Senator has 1 minute.

Mr. WARNER. Mr. President, we have decided with the vote on the Warner amendment that we are going to leave it to the families to decide what they want to do when the bodies arrive at their final resting place. That has been the policy since 1991, through the gulf war and through operations of our two conflicts in Afghanistan and Iraq. I urge that it remain that way and not open up, as the Lautenberg amendment directs, the Secretary of Defense shall develop a protocol that permits the media to attend the bodies as they arrive in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what we have just seen is a vote on the constitutionality question which ought not be the primary point. The question is whether the American people can see pictures of those flag-draped coffins in tribute to those who gave their lives in service to their country.

President Reagan, in 1993, understood it clearly. He publicly received the bodies of 241 marines who were killed, and there were photographs galore. And during the Afghanistan war, during this administration, flag-draped coffins were filmed. And during the Kosovo conflict, President Clinton was on the tarmac to receive those dead. But this requirement, this directive requiring strict censorship issued just as the Iraq war began prevents the American people from seeing the truth about what is happening.

I urge my colleagues to face their constituents back home and tell them it was not appropriate for the media to photograph coffins, flags on top, in tribute in Dover, DE. It is an outrage to permit that to continue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3291, as modified.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) would each vote ''nay.''

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 54, as follows:

The result was announced—yeas 39, nays 54, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—39

Akaka	Feingold	Lieberman
Baucus	Feinstein	McCain
Bingaman	Fitzgerald	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Reed
Conrad	Inouye	Reid
Corzine	Jeffords	Rockefeller
Daschle	Johnson	Sarbanes
Dayton	Kennedy	Schumer
Dorgan	Kohl	Snowe
Durbin	Lautenberg	Stabenow
Edwards	Leahy	Wyden

NAYS—54

Allard	Crapo	Lugar
Allen	DeWine	McConnell
Bayh	Dole	Miller
Biden	Domenici	Murkowski
Bond	Ensign	Nelson (NE)
Breaux	Enzi	Nickles
Brownback	Frist	Pryor
Bunning	Graham (SC)	Roberts
Burns	Grassley	Santorum
Campbell	Gregg	Sessions
Carper	Hagel	Shelby
Chafee	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Levin	Talent
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner

NOT VOTING—7

Alexander	Dodd	Thomas
Bennett	Inhofe	
Clinton	Kerry	

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I think the distinguished ranking member is about to bring up his amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent the Senator from Louisiana be recognized to call up her amendment, that she be recognized for 5 minutes, and then her amendment be laid aside and I be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 3315

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes)

Ms. LANDRIEU. I appreciate the cooperation of the chairman and ranking member. I know we are working toward finishing this very important bill. I appreciate them giving me the opportunity to call up this amendment because it is a very important amendment among a list of very important issues we are debating.

The amendment number is 3315, and I ask it be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3315.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, the focus and purpose of this amendment is very simple, it is easy to understand, and it is quite clear. In the 5 minutes I have, I will try to lay out that purpose, its cost, and the reasons it is very important for this Senate to act affirmatively on this amendment.

My amendment will fix and make clear that the Survivor Benefit Plan offered in 1972 to our men and women in uniform, of which they pay more than 80 percent of this benefit for themselves, so it is modestly subsidized by the taxpayer, my amendment will make it clear that the survivors of our veterans—in most cases they are women but, obviously, not in every case—at the age of 62 will be able to retain what they thought they signed up for, which is 55 percent of the benefit, instead of what is occurring today, which is cutting that benefit down to 33 percent.

There are all sorts of reasons people will hold out as to why this is happening, but it is clear it needs to be fixed. It is also clear there is plenty of money in this bill to fix it. We are going to spend over $400 billion this year on the Defense bill. This amendment will only cost about $400 million a year to fix. Somewhere in this bill of hundreds of billions of dollars, I am certain we can find the $400 million to live up to a promise made to our military men and women and to give them the benefit of which actually they are paying 80 percent. This is not a taxpayer giveaway; this is honoring a commitment made when we set up a program. The men and women who serve in the military not only are brave and courageous, they are also usually concerned about setting up the appropriate death benefits for their spouses and their children.

We have a system that will allow retirees to get 55 percent of their pay. The argument against this is that when this program was started by some in the Pentagon, they say it was never publicized that service members would get 55 percent, so why are people complaining today about getting 35 percent.

I ask unanimous consent to have printed in the RECORD a document related to the Survivor Benefit Plan which I believe the chairman and ranking member have read. It is important to the hundreds of organizations that support this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Section VIII—Monthly Cost and Amount of Survivor Annuity]

Spouse only (no eligible children). Cost of coverage is 2½ percent of the first $300, plus 10 percent of any designated retired pay in excess of $300. If coverage is elected for a dependent child acquired subsequent to retirement, cost of coverage will be increased. The increase in cost is effective the first day of the month following eligibility of such child. (See c below.)

Spouse and eligible children. The cost of coverage will be 2½ percent of the first $300 of the base amount plus 10 percent of the remainder plus a slight additional charge for children's coverage that will vary depending on your age, your wife's age, and the age of your youngest child. The additional charge should generally be about one-half of one percent of the amount of retired pay designated.

If your spouse becomes ineligible through divorce, annulment or death, no cost is due for any month in which there is no beneficiary. If you remarry, the cost will be reinstated the first anniversary of the date of remarriage, unless child is born of that marriage prior to the first anniversary date.

Eligible children only (no spouse). The cost of coverage will very depending on your age and the age of your youngest child but should generally be about 3 percent of the amount of retired pay designated.

Cost reduction—children. When all children cease to be eligible for an annuity, the additional cost for child coverage shall stop. The reduction in cost is effective the first day of the month following that in which the last child ceases to be eligible for an annuity.

Natural interest person. Cost of coverage is 10 percent of full retired pay, plus an additional 5 percent of full retired pay for each full 5 years that your age exceeds that of the natural interest person. The total cost may not exceed 40 percent of retired pay.

Annuity—Spouse and/or eligible children. Full coverage provides an annuity of 55 percent of retired pay. Reduced coverage provides an annuity of 55 percent of reduced amount elected.

Annuity—Natural interest person. The annuity payable is 55 percent of retired pay remaining after cost of coverage has been subtracted.

Ms. LANDRIEU. The front page of this contract says that for the spouses and/or eligible children, full coverage provides an annuity of 55 percent of retired pay.

This is the contract that service personnel sign, in plain English. Full coverage provides an annuity of 55 percent of retired pay.

What is happening now—after people signed up for this, paid into the program, and had some confidence their spouses would receive 55 percent of their retirement—is they are told they can only get 35 percent because we do not have enough money to live up to the terms of this contract.

Right now a sergeant first class, in retirement, would be making about $771 per month—not a huge sum, by any means. Compare that amount of money to the contribution of this American: 20 years of his life putting his life on the line, putting the uniform on every day, for 20 years. The grand sum for him is $771 a month.

We have money for every tax cut and drive businesses offshore, we can give tax cuts to everybody but we cannot find enough money for the spouse, who has moved every 2 years for 20 years. It is tough to hold down a job when you are moving, no matter how smart you are, no matter how high your grades were in school, or how hard you work. It is hard to keep up a career while moving to a different community, with children most of the time, every 2 years. We want to tell this spouse she is now only entitled to $491 a month, down to $5,000 a year.

Families are filing for bankruptcy.

Let me share some stories of the hardships spouses face because of the widow tax.

Marion Charles is age 78. Marion's husband Ed died in 2002. Her husband was a Navy diver in WWII. He retired in 1966, as a crew member on one of America's first nuclear subs. Mrs. Charles had no idea her first pension payment would be reduced to 35 percent. Her husband joined SBP when it began. She said:

I was so shocked, I almost fell out of the chair and wondered why God hadn't taken me, too, when he took Ed.

She was left with $21,000 in bills. She said:

Neither my husband nor I realized there would be an offset—no one ever told us. I find myself under a lot of stress getting over his death and trying to do something with the large bills facing me.

Mrs. Charles nearly lost her home and almost declared bankruptcy.

Miriam Joy Parker is from Huntsville, AL. Her husband served for 32 years. She followed her husband across the world for those 32 years. Mrs. Parker had to tighten her budget to live on the 55 percent pension she received before she turned 62. At age 62, the widow tax cut her annual income by nearly $10,000. She cannot live on the 35 percent rate and Social Security. She has had to begin working in her sixties. She never knew there was an offset.

Betty Wells is from Ocala, FL. The widow tax has cost Ms. Wells $8,400 a year. At age 67, she took a job to make ends meet.

Diane Worth is from Phoenix, AZ. The widow tax cut her annual income by $2,400. She may have to sell her home. The offset has cost her nearly $10,000.

My amendment corrects this grave injustice.

A spouse of a lieutenant colonel would see their pension cut from $1,595 a month, under our new rules, to $1,015 a month, for a grand total of $12,180 a year, after 20 years of service keeping the hearth going when their spouse was putting on that uniform and protecting us.

I think we can do better. That is what my amendment does, and about 15 Senators on both sides of the aisle agree. They are joining me, including Senator DASCHLE, Senator REID, and others. I am joined by Senator SNOWE, who is the lead sponsor of this amendment on the other side.

Mr. President, I ask unanimous consent that a piece in the Washington Times entitled ''Survivor Benefit Plan needs reform'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 23, 2004]

SURVIVOR BENEFIT PLAN NEEDS REFORM

(By John Fales)

DEAR SGT. SHAFT: The Fleet Reserve Association (FRA) is urging all 66 members of the House and Senate budget committees to include funding in the 2005 budget resolution for legislation (S. 1916 and H.R. 3673) that eliminates the drastic reduction in Survivor Benefit Plan (SBP) annuities that now adversely impacts survivors of military personnel who are 62 and older.

The current program provides 55 percent of SBP covered retired pay for younger spouses—however, the amount decreases to 35 percent of retired pay when survivors become eligible for Social Security. Many retirees and their spouses were not fully aware of this reduction when they enrolled in the program in the early 1970s. As a result, many believe they were betrayed by having been asked to sign an irrevocable contract to pay lifetime SBP premiums.

Sen. Mary L. Landrieu, Louisiana Democrat, introduced the Military Survivor Benefits Improvement Act of 2003 (S. 1916), which would eliminate the SBP offset over a 10-year period. Companion legislation (H.R. 3673) to do the same was introduced by Rep. Jeff Miller, Florida Republican, in the House.

The Fleet Reserve Association, the oldest and largest organization dedicated to enhancing pay and benefits for enlisted member of the U.S. Navy, Marine Corps and Coast Guard, was instrumental in the enactment of the military SBP program in 1972, which was designed to improve the Retired Servicemembers Family Protection Plan. Participants were responsible for paying 60 percent of the costs, while the government was to subsidize the remaining 40 percent.

But today's SBP program looks nothing like its FRA predecessor, and its intended value has been greatly diminished by the Social Security offset as well as decreased contributions from the federal government.

Today, military retirees pay for more than 80 percent of SBP costs, while the government picks up only about 19 percent of the costs. By way of comparison, the federal government subsidizes its civilian survivor benefit plans—Federal Employees Retirement System and Civil Service Retirement System—at 33 percent and 48 percent, respectively.

Probably the greatest disparity between the two plans is beneficiaries in the federal civilian programs do not experience the same offset incurred by military SBP beneficiaries when they reach the age of 62. It is unconscionable that the men and women of our armed forces and their families continue to sacrifice at a time when they are in their greatest need.

FRA is grateful to Rep. Miller and Mrs. Landrieu for their leadership in campaigning to restore equity and credibility to this vital program. FRA is again referencing the need for SBP reform in its testimony before Congress this year.

We urge those who wish to help reform this unfair and ebilitating law to visit the association's Action Center at http://www.fra.org/action/index.html, click on ''Urge Your Elected Official to Support funding for SBP Reform Legislation'' and send a prewritten e-mail to their congressional representatives.

JOE BARNES,
National Executive Secretary,
Fleet Reserve Association.

DEAR JOE: I echo your praise and support of S. 1916 and H.R. 3673. I also commend Mrs. Landrieu and Mr. Miller for spearheading this vital legislation.

DEAR SGT SHAFT: I agree totally that the SBP program is a huge injustice for widows of military retired persons. I had 10 years of active duty plus 14 years in the Reserves, retiring as an O–6. It has been a long time since I have seen a write-up of the actual SBP provisions, so I do not understand how it affects me and my wife. Where can I find a good description?

From the synopses I have seen so far, we would have been better off to take the dollars and put them toward an annuity policy instead of wasting them on the SBP program.

HARRY J. WANDER,
COL, AUS, Retired.

DEAR HENRY: For starters, I suggest that you visit a few of the military organization Web sites, such as the Military Officers Association of America at www.moaa.org, the Non Commissioned Officers Association, www.ncoausa/org, or the Fleet Reserve Association at www.fra.org.

DEAR SGT SHAFT: Isn't it funny: If Congress wants a pay raise, it's processed with no problems. For those of us ''who paid the price'' for our country (to keep Congress intact), there's always some delay.

MICHAEL G.
Virginia.

DEAR MICHAEL: The Defense Finance and Accounting Service (DFAS) has announced that computer reprogramming has progressed faster than expected and they have made concurrent disability payments (CDP) to about 150,000 eligible retirees on Feb. 1. Those whose CDP will be delayed another month or two include those who divide their retired pay with a former spouse, medical disability retirees who will have their offset only partially eliminated by the new law change, and a few other special situations.

DFAS officials believe that they will be able to provide payment for all these retirees no later than the April 1 paycheck.

Just like concurrent receipt, the widow tax hurts veterans but not Federal employees. A veteran with 20 years of service to the Nation and a disability could not collect both retirement pay and disability pay. However, Federal workers eligible for retirement and job-related disability can collect both. Our Federal workforce is filled with talented and dedicated people. However, it is an injustice that the men and women who put their lives on the line for our Nation's defense are treated as second-class citizens.

Federal civilian spouses don't face the widow tax. They have no offset. Under the civil service retirement system—CSRS—which was the pre-1984 retirement system, surviving spouses receive 55 percent of the deceased spouse's retirement benefits.

Under the current retirement system—the Federal Employees Retirement System of FERS—surviving spouses receive 50 percent of the retirement benefits.

Neither has an offset at any age. Widows under FERS collect 50 percent of their spouse's pensions and they collect Social Security. No Senator's spouse faces an offset. No Senate staffer's spouse faces an offset. I don't think our veterans deserves less, yet under SBP, widowers and widows must offset their pension with Social Security.

Military retirees pay more than Federal civilians and receive less. Not only do military widows receive less than their civilian counterparts, but they pay higher premiums, too. A military retiree will pay an average of $41,000 in premiums. A civilian, under FERS, will pay an average of $32,000 in premiums. It almost seems like a twisted joke: Join the service—pay more and receive less.

The Landrieu-Snowe amendment, a bipartisan amendment, has also been endorsed by the Military Coalition, and simply aims to restore equity and fairness to our military retirees and spouses. It eliminates the widow tax.

Over 950,000 million retirees are enrolled in SBP. The widow tax waits for them as a ''thank you'' for 20-plus years of service. Mr. President, 250,000 widows are currently receiving SBP benefits. The widow tax has been imposed on them—220,000 of them. Forty percent of retirees refuse to enroll in SBP because of the offset. The Landrieu-Snowe amendment repeals the widow tax by 2008. It gives our surviving spouses the benefits they deserve and parity with other Federal retirees.

As we prepare to celebrate Independence Day, it is hard to imagine Congress ever created the widow tax to negatively impact the families of those who served to guarantee our freedom. Let's join the House in fixing the Survivor Benefits Program. The wars in Afghanistan and Iraq will create hundreds of thousands of new veterans, and more young men and women will be needed to serve. Let's remember George Washington's words:

> The willingness with which our young people are likely to serve in any war [is] directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.

Let's fix this injustice to honor our veterans and ensure we can recruit to defend our Nation in the future.

Mr. President, I understand the chairman is going to provide us with a vote tomorrow. But that explains the amendment and what we are attempting to do. I would like to lay it aside until tomorrow at a time to be determined.

The PRESIDING OFFICER. Under the unanimous consent agreement, the amendment is already set aside.

Mr. WARNER. I thank the Senator. We shall address this amendment tomorrow.

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. WARNER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. WARNER. Madam President, the managers of the bill, in consultation with the leaders on both sides, would now like to propose a unanimous consent request.

I ask unanimous consent that all remaining amendments in order to the Defense authorization bill be offered no later than 6:30 p.m. on Tuesday, June 22; provided further that in the final 10 minutes prior to that time the chairman and ranking member be recognized in order to offer en bloc any further amendments from the filed list; further, I ask unanimous consent that when the Senate resumes consideration of the Defense authorization bill on Tuesday, there be an additional 60 minutes of debate.

Perhaps the Chair would like to rule on paragraph 1 now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Now to the second part. I ask unanimous consent that when the Senate resumes consideration of the Defense authorization bill on Tuesday, there be an additional 60 minutes of debate equally divided in the usual form in relation to the Levin missile defense amendment. I further ask consent that following the debate, the Senate proceed to a vote in relation to the Levin amendment, with no second degrees in order to the amendment prior to the vote; provided further that following the vote the Senate resume consideration of Brownback amendment No. 3235 and that the Burns second-degree amendment then be agreed to. I further ask that Senator BROWNBACK or his designee be recognized in order to offer a further second degree and that the Senate then proceed immediately to a vote in relation to the Brownback amendment. I further ask consent that following that vote, Senator DORGAN or his designee be recognized to offer a further second-degree amendment on media ownership, and immediately on the reporting of the amendment, the amendment be agreed to, to be followed by Senator HOLLINGS or his designee to offer a children's programming amendment, and then immediately upon the reporting of the amendment the amendment be agreed to.

Finally, I ask consent that the Brownback underlying amendment be agreed to as amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I ask the distinguished chairman, amend his unanimous consent request to state that Senator HOLLINGS or his designee is to offer a second-degree amendment relating to children's programming.

Mr. WARNER. No objection. I further amend it.

Mr. REID. I further ask following the last word in the proposed unanimous consent agreement, the word ''amended,'' there be added to that, ''with no intervening action or debate.''

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

Now, Mr. President, I understand Senator LEVIN will be recognized for the purpose of laying down his amendment. Shortly after his presentation, the distinguished Senator from Arizona will be recognized to present his proposal. The Senator from Virginia will reserve his comments on this very important amendment until tomorrow.

AMENDMENT NO. 3338

Mr. LEVIN. Madam President, I will reserve most of my comments until tomorrow as well because I understand under the unanimous consent agreement we have just adopted there will be an hour equally divided.

Madam President, this amendment will take $515 million of the $1.7 billion which is provided in this bill for interceptors, $515 million of the $3.2 billion which is provided in this bill for national missile defense, take that $515 million and put it into some of the most critically needed requirements that we have in this country, which is to address the threat of terrorism against this country.

Last week, my dear friend, the chairman, pointed out in his debate on the Boxer amendment that this Congress, in a conference report last year, approved 20 ground-based interceptors, and we did that for a 20-test-bed site.

In other words, what the chairman pointed out was accurate. Last year we decided there would be a test bed in Alaska and there would be 20 interceptors in that test bed.

Lo and behold, the budget request comes in this year for 40 interceptors, in a 40-silo test bed. Ten of those were removed in the committee. The issue we have to face as a Senate is whether

we want to add missiles 21 through 30 at the cost of $515 million—it was not identified last year for the test bed, not having been operationally tested, not needed for testing—or whether we are going to take that $515 million and address this money to desperately needed measures to go after the fissile material which is throughout this world and to try to secure it; to try to come up with technologies which can address the threat of explosive devices at a distance. We cannot identify explosive devices at a distance. So we face car bombers and we face other kinds of destruction such as the USS *Cole* because we cannot identify explosive devices from a distance.

Most of our ports are not yet secure. Most of the containers coming into this country are still not being identified, still not being looked at to see whether there may be material in there, either biological, chemical, or nuclear material. We still have massive insecurities in this country relative to the real, immediate threats that we face.

We have to take some resources. It seems to me the logical place to take it is where we have not had operational testing of missiles that are part of a missile defense system, which are now being produced at much higher than initial low-rate production, despite a law which says you may not go beyond initial low-rate production into full-rate production without operational testing. That is the law. Yet what we have said is, so far we are going to take this $515 million, and we are going to put this in missiles 21 through 30.

I want to emphasize to my friends, the debate over the first 20 missiles in that test bed is over in this Senate for now. The Boxer amendment was defeated. So there are going to be 20 missiles put into 20 silos. They are going to be deployed. They are going to be produced despite the fact that we have not had independent testing, operational testing, real world testing of these missiles. That debate took place on this floor last week. That is not the subject of my amendment.

My amendment has nothing to do with missiles 1 through 20. It has nothing to do with the 20-silo test bed in Alaska. It has everything to do with whether we go beyond that 20-silo test bed to missiles 21 through 30, decide to produce those missiles despite the fact that we have not had independent operational testing. My amendment would say no. No. We know what the real, most immediate threats are to this country. There may be a North Korean missile threat. For folks who believe that cannot be deterred and whether we can produce a missile that can knock down a North Korean missile, it is worth doing, fine. If that is the belief of a majority of this body, fine. North Korea cannot be deterred and we can produce missiles which can knock down a North Korean missile, so be it, if that is the decision of this body.

That is not my amendment. My amendment says hold off producing 21 through 30. Don't commit in this bill to produce 10 more missiles at a cost of $515 million. And this is just for the advanced procurement. Don't commit to that when you have not had the operational testing, when last year we said we were going to have a 20-silo test bed, when we have such major unmet needs in terms of the real, immediate, short-term threats against this country.

We had the CIA, not too long ago, that made an assessment as to what the greatest threats were against this country.

I want to read the CIA assessment as to where those greatest threats were.

> In December 2001 . . . the CIA released an unclassified document entitled ''Foreign Missile Developments and the Ballistic Missile Threat Through 2005.''

This is what it said:

> The Intelligence Community judges that U.S. territory is more likely to be attacked with WMD using nonmissile means, primarily because such means: are less expensive than developing and producing ICBMs; can be covertly developed and deployed; the source of the weapon could be masked in an attempt to evade retaliation; probably would be more reliable than ICBMs that have not completed rigorous testing and validation programs; probably would be much more accurate than emerging ICBMs over the next 15 years; probably would be more effective for disseminating biological warfare agents than a ballistic missile; [and] would avoid missile defenses.

Those are the kinds of choices we should face as a Senate.

We have, in the eyes of many, a potential North Korean threat.

We have a test bed which is going to proceed. Whether a majority of us decided we are going to proceed without that independent operational testing, so be it. That is a done deal. That is going to happen.

Now the question is, Do we go into the next 10 missiles, produced in this budget, paid for in the long leap for the next 10—21 through 30—at a cost of $515 million despite the assessment of the CIA that the greatest threat we face is weapons of mass destruction using nonmissile means and all the reasons for which that is true which they laid out? Less expensive, covertly developed unlike missiles, source of the weapon can be masked in order to evade retaliation.

When we get hit by a terrorist, we can't always identify where that terrorist comes from or whether there was a state actor behind it. When a missile is fired at us, we know from where that missile comes. Any state that sends a missile our way knows it it is going to be destroyed in return. That is not true with a terrorist attack.

According to the CIA, nonmissile means are more effective for disseminating biological warfare agents than a ballistic missile and would avoid missile defense. Despite the fact there is much greater likelihood we would be attacked with nonmissile means, here is the situation we are in right now.

According to the head of the U.N.'s International Maritime Organization, fewer than 6 percent of the world's seaports and ships meet rules aimed at preventing terrorism attacks. Six percent of the world's seaports and ships now meet the rules that have been adopted to prevent terrorist attacks.

We have millions of cargo containers that enter this country's ports uninspected. I have one of the biggest ports in my home State of Michigan, by the way. But we have ports on the coast. We have ports on the Great Lakes with millions of containers coming in uninspected. We cannot identify suicide bomber strikes because we cannot identify explosives at a distance. We have to put money into technology in order to do that.

These are the most current, the most imminent, the most immediate, the most likely ways this Nation is going to be attacked. We have to put resources there.

My amendment would transfer some of those extra 10 missiles that were not projected last year. Last year we were told we had a test bed with 20 silos. This year we are asking for these 10—originally 20—extra missiles to be produced. We simply have greater priorities and greater threats.

Let me spend a couple more minutes tonight, and I will expand on this in the morning. Senator FEINSTEIN, Senator DOMENICI, and others proposed that we develop at the DOE an enhanced nuclear security program to accelerate the pace of securing and eliminating nuclear weapons and materials all over the world.

This is what the Secretary of Energy, Secretary Abraham, announced at the International Atomic Energy Agency at the end of May. The Secretary of Energy said the Department of Energy would begin such a new program called the Global Threat Reduction Initiative, and that this initiative would ensure that nuclear and radiological material and equipment did not ''fall into the hands of those with evil intentions.'' How would we do that? In his words, we would secure, relocate, and dispose of these materials and equipment.

This is an expansion of the idea of Nunn-Lugar. But this is based on the belief, which has been stated by so many outside independent groups, that fissile material in the hands of terrorists would be the greatest threat that this Nation could face.

Senator Abraham in making this announcement said, ''It has become clear that an even more comprehensive and urgently focused effort is needed to respond to emergency and evolving threats,'' and that the United States plans to devote $450 million to this effort.

We have an announcement by the Secretary of Energy that we are going to have an effort aimed at reducing the greatest single threat in the eyes of most people to this Nation and to others, which is the fissile material would fall into the hands of terrorists to produce either a nuclear weapon or a dirty bomb. That is the greatest single

threat—$450 million the Secretary of Energy says the United States is going to devote to this effort. Yet there is nothing in this budget, no funding for this President.

This is perhaps the greatest of all the terrorist threats. It is real. The fissile material is out there. Yet this new initiative announced by the administration has no funding. Instead, we have funding for missiles—21 through 30—for a test bed that was only supposed to have 21 missiles to begin with, and the additional 10 missiles are not tested by an independent testing agency.

We are not even sure they would work against a threat which may or may not occur. North Korea has never tested a missile which could reach the United States. The last test they had was 6 years ago.

So we have to weigh the threat. We have to make a decision as a Senate as to whether we are going to put some resources into addressing the most real threats, the most real terrorist threats, or whether we are going to put money into advanced procurement for the next 10 missiles—missiles 21 through 30—for a 20-bed test site.

That is the kind of decision we are forced to make. We have resources that have to be allocated. We can't just say, well, we are going to face a missile threat some day, so we are going to need an extra 10 missiles even though they haven't been independently tested. So we are going to put $515 million into that advanced procurement when we have ports that are facing huge numbers of containers which have not been inspected, and when we have fissile material around the world which has not been secured.

That is the choice which this amendment will offer to the Senate tomorrow. I reserve the remainder of my argument for the morning.

I ask that the amendment which I filed at the desk, No. 3338, be called up. I failed to do that when I started. I also ask unanimous consent that Senators JACK REED, LANDRIEU, and FEINGOLD be added as cosponsors to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Ms. LANDRIEU, and Mr. FEINGOLD, proposes an amendment numbered 3338.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism)

At the end of subtitle E of title X, add the following:

SEC. 1044. REALLOCATION OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM INTERCEPTORS TO HOMELAND DEFENSE AND COMBATING TERRORISM.

(a) REDUCTION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $515,500,000, with the amount of the reduction to be allocated to amounts available for the Missile Defense Agency for Ground-based Midcourse interceptors.

(b) ALLOCATION OF INCREASE.—In addition to amounts otherwise authorized to be appropriated in this Act—

(1) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $210,800,000, with the amount of the increase to be allocated to the Global Threat Reduction Initiative;

(2) the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $50,000,000, with the amount of the increase to be allocated to North American Aerospace Defense (NORAD) for low-altitude threat detection and response technology;

(3) the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $13,300,000, with the amount of the increase to be allocated to Northern Command consequence management networks to facilitate military support to civil authorities;

(4) the amount authorized to be appropriated by this Act is increased by $130,000,000 for domestic installations Antiterrorism/Force Protection and Antiterrorism/Force Protection exercises and training identified by Northern Command, with authorizations of appropriations to be increased so that—

(A) the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is increased by $19,000,000;

(B) the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is increased by $15,000,000; and

(C) the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is increased by $96,000,000;

(5) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Combating Terrorism Technology Support Working Group for programs to detect explosives at stand-off distances, blast mitigation, and information security; and

(6) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $30,000,000, with the amount of the increase to be allocated to the megaports program;

(7) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Defense Threat Reduction Agency for Weapons of Mass Destruction Defeat Technologies-Radiation/Nuclear Detection;

(8) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $20,000,000, with the amount of the increase to be allocated to basic research on radiation and other standoff detection devices, and for stand-off explosive detection;

(9) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $10,000,000, with the amount of the increase to be allocated to the Chemical-Biological Defense Program for Chemical Agent Standoff Detection; and

(10) the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by $21,400,000, with the amount of the increase to be allocated to Chemical/Biological Detection Equipment for Explosive Ordnance Disposal detachments and chemical-biological protective equipment for Navy and Marine Corps aircrews.

DEFENDING AGAINST URGENT TERRORIST THREATS

Mr. BIDEN. Madam President, Senator LEVIN'S amendment will shift funds from extra, untested interceptor missiles to programs that will detect and stop the most urgent threat facing our country: the risk posed by terrorists with weapons of mass destruction.

Not only is that the most urgent threat, it is also a much more likely threat than the possibility that a rogue state, such as North Korea, will lob a missile at the United States and risk being annihalated by us.

Who will send a missile with a return address and face sure destruction? Not a nation-state. Terrorist groups, with no return address, from no state against which the United States could retaliate, are not deterred by our massive nuclear arsenal.

Many experts believe that terrorists would be capable of creating a nuclear weapon if they took possession of fissile material. Even the simpler gun-type design, the type of bomb exploded at Hiroshima, could kill up to a million people if detonated in a large city.

Two years ago, I asked the heads of our nuclear laboratories to show us how terrorists could build an atomic weapon with parts available on the open market—other than the fissile material.

A month later, they returned to the Senate and showed us the weapon they had made, minus the fissile material. I cannot go into details, but all of us knew instantly that this was within the capabilities of a sophisticated terrorist group. You don't have to be a great power to cause great damage—if you have the fissile material.

Terrorists are also known to be interested in radiological material for a so-called dirty bomb, also known as a radiological dispersion device. An attack with a dirty bomb would not cause many fatalities, but it could render large areas uninhabitable and cause long-term economic and psychological damage. These weapons could be smuggled in a suitcase, or in a shipping container entering one of our ports.

Clearly, then, the threat of terrorist weapons of mass destruction is urgent.

But where is the sense of urgency in responding to this threat?

We have a bill before us today that proposes to spend $10 billion on missile defense—against the less likely threat.

The amendment by my colleague, Senator LEVIN, redresses the balance by taking just 5 percent of that amount—$515 million that is essentially unnecessary at this time to buy 10 more untested interceptors for the administration's scarecrow ground-based missile defense system—and applying it instead to urgent, unfunded homeland security needs.

Senator LEVIN's amendment will take the money saved and apply it to detecting, intercepting, and stopping the use of weapons or mass destruction by terrorists. It also shifts funds to programs to keep fissile material out of the hands of terrorists.

Just a few weeks ago, the Senate passed amendment to this bill sponsored by our colleague, Senator PETE DOMENICI.

I cosponsored the amendment, which authorizes a program to accelerate U.S. efforts to remove, secure, store, or blend down fissile and radiological material.

Senator DOMENICI's amendment complements the Global Threat Reduction Initative that the Secretary of Energy announced on May 26, to repatriate Russian and American highly enriched uranium or HEU, from research reactors around the world, to repatriate the spend fuel, and to convert those reactors to use low enriched uranium instead. Too often, HEU provided by the Soviet Union or the United States sits at poorly guarded research facilities that are a dangerous temptation to thieves or terrorists.

The Global Threat Reduction Initiative reportedly will cost $450 million. Senator LEVIN's amendment provides $211 million or it.

In addition, the Levin amendment will provide funds for nuclear weapons detectors at major seaports; technology to detect chemical, biological, and radiological materials at a distance; and technology to detect and stop low-flying aircraft, such as crop-dusters, that terrorists might use to disperse weapons of mass destruction across a wide area.

The Levin amendment will help address the most urgent threats to our Nation, but it will not delete funds for the 20 untested interceptor missiles that the administration plans to field in October.

It will simply prevent the Defense Department from spending more money on 10 additional missiles before we know if the first 20 even work.

That is a sensible approach and one that is consistent with ''fly before you buy'' laws that require operational testing prior to full-rate production, as well as with recommendations of the General Accounting Office.

We need to set our funding priorities to respond to the most urgent threats we face. The Levin amendment is a step in the right direction, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I simply ask my colleague, Is there some thought that he is going to amend this amendment?

Mr. LEVIN. I think it would be easier to not modify it. That is not my plan at the moment. I don't think it will be in the morning. But I would not even seek to modify it in a way which changes its character, nor would I ask for the right to do so.

Mr. WARNER. I thank my colleague.

Madam President, our distinguished colleague from Arizona has waited a very long time. Consequently, I am going to yield the manager's slot here to my good friend who will do an able job.

Mr. LEVIN. If the Senator from Arizona will yield for one inquiry, I have to leave the floor for a couple of moments.

Is it the Senator's understanding that after Senator KYL has completed there are no more speakers? After Senator KYL has completed this statement, there are no more speakers?

Mr. WARNER. That is correct.

Before the Senator leaves, perhaps to acquaint our colleagues about what we hope to achieve tomorrow morning, I hope we could include the Dayton amendment and address it in the morning. Could the Senator consider that?

Mr. LEVIN. The current unanimous consent provides after an hour debate on my amendment we would vote on my amendment with no intervening first-degree or second-degree amendments.

Mr. WARNER. A lot of those will be voice votes.

Mr. LEVIN. Where does the Senator want to include this?

Mr. WARNER. Right after the Brownback.

Mr. LEVIN. I have to check. Offhand, I don't know of a reason, but I have to see if there is a reason I don't know of.

Mr. WARNER. Could I leave that as a pending request?

Mr. LEVIN. I will do my best to clear that.

Mr. WARNER. Senator MCCAIN wishes to be active in that.

Mr. LEVIN. I don't think there is an issue on this side in terms of voting in the morning, but Senator MCCAIN wanted to speak on that.

Mr. WARNER. We will allow him time tomorrow morning to speak.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I appreciate the chairman of the committee yielding time for me to respond to the amendment of our colleague, the Senator from Michigan. I will respond directly to some of the last points the Senator made as I get further into my remarks.

I begin by simply describing first of all the essence of this amendment and why it must be opposed. It would cut $515.5 million from the Missile Defense Program. That is over $½ billion. It adds that funding to a variety of other programs, all of which are adequately funded. We have added funding to some of them, and in some cases we could not even spend the money that would be allocated. I will get into those matters later.

Let me begin by discussing the harm that would be done to the Missile Defense Program—which we have all committed to pursuing under the Clinton administration—as a result of the adoption of the Levin amendment.

Specifically, as he described it, the amendment cuts funding for additional ground-based interceptors. These are missiles that go into the ground, primarily into the State of the Presiding Officer. This is the heart of our ground-based missile defense system.

The missile defense opponents contend we are spending too much money on a system that has not yet been proven to work, and they further claim that deployment is premature because, as the Senator from Michigan argued, operationally realistic testing has not been completed, and the administration, he contends, is not complying with U.S. acquisition laws that require such operational testing and evaluation.

We are complying with the law. There is no question about that. It appears that the objective critics want to achieve in demanding the missile defense system be operationally tested before deployment is actually to halt the program altogether. I will explain why.

The bottom line is we need the interceptors that would be eliminated as a result of eliminating this spending. We need them to do the very tests our critics are demanding be done. In other words, it is a Catch-22: You have to do operational testing, but we are not going to give you the money to get the missiles to do the testing. That makes no sense.

Moreover, by adding these missiles to the first 20 that will be purchased, we have an additional capability to actually defend ourselves. I know that is troublesome to some, that we would actually be able to defend ourselves in the event that a nation accidentally launched a missile defense at us—and there are at least three or four countries today that could do that—or, God forbid, a country deliberately launched a missile defense at us.

So these missiles not only are available for testing but also would actually be able to defend the country for the first time since Ronald Reagan in 1983 announced our intention to work on a missile defense system. At that time, he said it could take decades, but I don't think he anticipated that we would research it to death; in other words, that we would be willing to spend more and more and more money but never, as they say in the military, bend metal; in other words, never actually produce the product that would

achieve the end result—in this case, a missile to defend ourselves.

Now, let me get to this question about operational testing because that is the essence of the amendment of the Senator from Michigan. The previous Director of Operational Test and Evaluation, Phillip Coyle, was quite critical of the National Missile Defense Program in the late 1990s because the NMD tests, in his opinion, lacked realism, not conducted under operational testing.

In fact, that was true. These tests are always launched from—the target is launched from Vandenberg Air Force Base in California toward the Pacific Ocean and the interceptor from the Reagan test site in the Pacific. I might add, I visited that test site last January. It is an incredible facility. They do their very best to replicate what might happen in a real world war. They are very good. But, they acknowledge, they are notified in advance that there is going to be an offensive missile launched, and, of course, they are quite prepared to launch the missile to intercept it. Naturally, they use the same geometrics. One cannot argue that this test range exactly replicates the exact circumstances under which an attack might come. That is quite obvious.

These tests that have been performed, and the most recent ones have been quite successful and confirm that all of the component parts work and it is possible to intercept a missile with a missile. Therefore, these developmental tests are very important to getting the program to the point where we can operationally test. Obviously, we do not want to deploy and test for the first time, so we go through this phase.

But there comes a time when we have to get the conditions more like they would actually be. We know that the best place to place missiles in the ground to defend against a probable attack is in the home State of the Presiding Officer—Alaska—simply because of its proximity to the locations where an offensive missile might come from and the geometrics of how we would intercept, which direction it would come from, and how we best intercept it.

It is a tad cold in the State of Alaska. In fact, the snow can get kind of high and ice can form over the top of the silos. Obviously, one thing we have to know how to do in the middle of the winter is to make sure we can blow the top off that silo and fire the missile up so it can intercept the offensive missile coming at us. That is just one example, but it makes the point that you do need to test in an operational situation, and that, of course, is precisely why we need to buy these additional missiles.

The Missile Defense Agency determined that we needed more realistic tests. It initiated an effort to develop and field an extensive missile defense test bed that would allow for operationally realistic testing. As the elements of test bed are put into place, they are tested. All of this is sequential. It is an ongoing process. Both the Director of Operational Test and Evaluation and the Commander of STRATCOM recognize the test bed will grow and mature over time as the elements of it are developed, fielded, and tested. This is the very essence of what spiral development is all about.

I have to discuss spiral development just briefly. This is the concept that we are able to evaluate and modify systems as we go along, as technology improves. The technology here is improving so rapidly and the potential enemies' technology so rapidly that it is never possible to wait until we know exactly what the enemy is going to throw at us and then begin work on a system that we can defeat it with. You have to be working right alongside what the enemy is doing and developing your program as you go along, adding the technology as it develops.

I might add, it is not the only program we do this with. The F–16 is a great fighter plane. It is trained at Luke Air Force Base in Arizona. I do not even recall which number of the F–16 we are on now. We started with the A model, and then the B model, and then the C model, and the E, and on and on, and each model improves the airplane. The F–16 flown today is a totally different airplane than the one designed over 20 years ago. As we develop new technology, we add that to the system.

Thus, the same with the missile defense system. You cannot wait until you can develop the perfect system and then begin building it and deploying it. By the time you did that, you would already be way behind the progress your potential enemy is making. So it is very natural, then, to allow this spiral development, especially in a program such as missile defense.

Where are we now? This fall we will field an initial operational missile defense capability at Fort Greeley, AK, and Vandenberg Air Force Base which will include just 20 interceptors. That is all. By the time this system is ready for operational alert, the Missile Defense Agency will have tested the operational configuration of the interceptor, the command, the control, the battle management and communications systems, as well as the interoperability and the performance of the needed sensors. Operational Test and Evaluation personnel from the Office of the Director of Operational Test and Evaluation have been fully engaged in the testing, along with the warfighters who will operate the system. So this is not just contractors going out there and seeing if they can make the system work. We are beyond that. That was done earlier. We are now at the stage of interoperability where Operational Test and Evaluation personnel and actual combat operators will be engaged in the testing.

So what is the alleged problem here? What Missile Defense wanted to do is stop the administration from acquiring the 20 interceptors it needs to complement the first 20 that, as has been noted, have been funded. Specifically, the request for fiscal year 2005 makes a downpayment on additional ground-based interceptors, interceptors Nos. 21 through 40. I would note, however, that the Senate Armed Services Committee-passed Defense authorization bill already cut long-lead procurement funding for interceptors Nos. 31 through 40. So we have already delayed the second 10 of this next 20 and made it more expensive, undoubtedly, to acquire by the action we have taken here.

So it is not as if we have not evaluated this and tried to figure out if we could save some money in the acquisition of these additional interceptors. We have done that. The Armed Services Committee did it, and it should be applauded for doing it.

What would this downpayment on this next 20—of which already the lead time has been cut by half, so we are now talking 10—what would it provide?

The first thing it would provide is additional test articles necessary, in the view of the Department of Defense, to conduct planned future integrated flight tests. So it is not as if we have already bought everything we need to conduct our testing.

Secondly, it would provide an expanded interceptor inventory to address the estimated growth in foreign ballistic missile threats from adversaries, such as North Korea and, perhaps, Iran.

Three, it would maintain a more steady industrial-base production line for the interceptors and the kill vehicles in case an expanded inventory is determined necessary.

And, four, it would provide ground site preparation activities for interceptors 21 through 30.

These things take time. It has been a couple of years since the people have been at work in the State of Alaska preparing these sites to accept the missiles that will be put in the silos, to put the radar and the other equipment up that is necessary to make this whole system work.

The additional cuts or restrictions that have been proposed here would cripple the effective deployment of the initial test bed system. That system, as I said, is absolutely essential if we are to conduct the more realistic testing everyone is calling for.

What does the head of Operational Test and Evaluation today say about this program? The Director, Thomas Christie, recently testified at a Senate Armed Services Committee hearing on missile defense, as the distinguished ranking member knows. Here is what he said:

> . . . I think the issue we're talking about here is the building of missiles that will be put into silos that are part of the test bed, and we will have to have this test bed in order to do some of the testing that will become more realistic engagements, geometries, for example, than we've been able to do before. And some of these attributes of this test bed are in response to criticism that

came from my office and my predecessor in previous administrations. . . .

In other words, making the point earlier that: Well, we have not gotten realistic enough in our testing yet. We are trying to respond to that. Yet this amendment would cut the funding for the missiles that are precisely necessary to do that.

The purchase of additional ground-based interceptors, which the critics of the system would like to prevent, will provide a rotatable pool of operational and test assets, and this, in turn, will allow the United States to field the most current interceptor improvements.

Now, the missile defense is a capabilities-based development program. The system under development is a spiral development program, as I described. There is, at this present time, no mature operational capability against which traditional or formal operational test and evaluation can be completed.

This is a key point General Kadish has made over and over. This is not like building another Navy destroyer or another Air Force fighter jet where we already have generations of previous such weapons and all we are doing is now developing the most recent technology. There is no missile defense. I know some Americans may not realize this, but if a missile were fired at us today, we could not stop it. We do not have a ballistic missile defense system—not one missile. So we are doing this for the first time. That is why we want to do it in this spiral development mode I have been describing.

Moreover, fielding a system before operational test and evaluation is not unprecedented. It has been done before in other cases where there was no similar capability as I have just described and also where an urgent need existed.

Let me give you some examples. One that is most recent, probably, is the Joint Surveillance and Target Attack Radar System aircraft. It is called JSTARS. It played an important role in the 1991 Persian Gulf war by providing warning to our forces on the ground when the Iraqi military was on the move.

Now, JSTARS was not an operational system. We did not have any of these aircraft at the time. It was in preproduction. We were just beginning to build the aircraft. We had not even begun the operational test and evaluation. Yet we realized we were in a war in which we needed to know where the enemy was going. I know something about this particular system because parts of it actually were produced by a company in my own State. Our military said: We have a system here. It has not gone through preproduction operational test and evaluation, but we might be able to get it configured and put together quickly enough to bring it over to the gulf and do you some good. And they did, and it did. It was invaluable. It had not gone through all this testing, but we were in an emergency situation, and it did its job. It did very well.

Other examples include the Predator and the Global Hawk unmanned aerial vehicles. Both have been very valuable assets in the war on terrorism. Yet they were deployed—into areas that we cannot discuss—before there had been any operational test and evaluation. These were almost brandnew ideas. In fact, each vehicle was, in effect, a prototype. Yet our commanders figured out: We need some surveillance. Do you have anything that can help us out here? And sure enough, the contractor said: We do, but they're not ready to go. They haven't gone through all the testing.

The commanders in the field said: Bring them over. We need them. And they have done a terrific job.

A third example is the Patriot missile battery. This is an anti-aircraft missile battery. We found ourselves in the middle of the Persian Gulf war, and the Iraqis were firing scud missiles at us. There was no defense against scud missiles. Commanders said: Is there anything we can do?

The answer came: Well, we have these Patriot missiles. They are designed to shoot down aircraft. Maybe we can configure some radar to operate with the system and do some other things and possibly shoot down some of these scud missiles.

Literally, as they were bringing them across from America to Saudi Arabia and Kuwait, they were putting in fixes in the Patriot anti-aircraft system. You know the rest of the story. We began shooting down scud missiles with this system.

It wasn't perfect. It was not designed for this. We were constantly upgrading it. But I think estimates finally concluded we shot down maybe about a third—I have forgotten the exact number—of the Iraqi Scuds being fired against us. We needed it in an emergency. Nobody could have predicted necessarily that we needed that system at that time. You can't wait until you know that you have the threat sometimes. That is the same thing with missile defense.

I sometimes wonder if my colleagues would allow us to use one of these test missiles against—let's just say North Korea accidentally launched a missile at Alaska. Would they say, Sorry, this has not been operationally tested and evaluated? It hasn't gone through all the checks and balances, therefore, you can't use it?

No, of course not. We would use it to defend ourselves. So let's don't get into this argument that somehow you have to check all of these boxes in some certain order before you can even put the missile in the ground, A, to test it, and, B—God forbid if we had to—to use it. There is nothing wrong, there is nothing illegal about this. It has been done before. In fact, it has been proven necessary before.

I said it is in accord with acquisition laws. The Director of the Operational Test and Evaluation Program, Mr. Christie, has already testified that the program is, and this is a direct quote, ''living within the law.''

The Missile Defense Agency has not sought nor has it received any waiver for any acquisition statutes here. The missile defense authority is conducting tests that are increasingly operationally realistic, appropriate to the maturity of a system that is still under development. So there is nothing wrong with what is being done. But what has been set up is a catch-22. You can't deploy until you test, but the catch-22 is, you can't test without deploying.

Well, we are going to deploy, and hopefully we will buy enough missiles so we have the capability of doing the tests the way they need to be done.

I made the point that it would be nonsensical to argue this theory of operational testing being required to be completed before you could actually deploy a system and noted that no one would deny us the right to use such a system in self-defense if we had to do that. It is, in fact, true that there are countries that have this capability today. It is also true that maybe this isn't today the threat that is most likely to occur, but we know—without getting into a lot of detail—there are countries that have had systems for some time. We are not certain necessarily of the safety and reliability of those systems, the ability for those systems to not be accidentally launched or for somebody else to intentionally launch them notwithstanding the custody and the state in which they are located. If there were such an accident, we would need to have the capability against it.

We face that threat today because, as I said, there are countries in this world that have operational systems that can reach the United States. Some of them are not friendly to the United States either. I repeat, today we have no defense against a ballistic missile attack. That is why President Bush, when he came into office, decided to pursue this spiral development, this notion that we will try to get the best we can out there as quickly as we can.

That will serve three purposes. First, it will enable us to defend ourselves if we had to as quickly as possible. And he set this fall as the target date for that deployment. In fact, we are going to be able to meet that date. I hope the Presiding Officer is able to be in her State because she and the other Senator from the great State of Alaska have been indefatigable in their efforts to make sure the program goes forward. We will actually be able to defend ourselves if there were an accidental or, as I said, an intentional launch against us.

Secondly, it enables us to do this operational testing under realistic conditions.

And there is a third point. This is very important. It is a deterrent. We want other countries to do what Muammar Qadhafi did. We want these

other countries to say: It is costing us a lot of money to try to develop this nuclear program. At the end of the day, the United States is probably going to be able to beat us. We might as well not go through the cost and the effort to try to develop it. Deterrence.

Let me read what very recently, just before the Reagan funeral, Genadi Garasimov, spokesman for the former Soviet leader Mikhail Gorbachev, had to say:

> I see President Reagan as a grave digger of the Soviet Union and the spade that he used to prepare this grave was SDI, the Strategic Defense Initiative, so-called Star Wars. The trick was that the Soviet leadership believed that this SDI defense is possible and then, because it is possible, that also we must catch up with the Americans. And this was an invitation to the arms race and the Soviet economy could not really afford it. In this way Reagan really contributed to the demise of the Soviet Union.

It worked. President Reagan was not bluffing. He meant to deploy this system. At Reykjavik, when Gorbachev said: We can make this arms deal we have been talking about, if you will do one more thing. If you will stop development of your SDI program, we have a deal.

President Reagan thought about it overnight, came back the next morning and said: I am sorry. The United States is going to proceed with missile defense.

Gorbachev knew at that moment it was over. They could not compete with us, and it wasn't obviously worth the effort to try to do so because they knew the technology of the United States could produce a defense against the only real weapon that the Soviet Union had that could defeat us, and that was the ballistic missile.

The point of telling the story is that we need to let others like Muammar Qadhafi understand the fact that we are not bluffing. We mean it. We are going to deploy the system and it is going to work and defeat them and they might as well not go through all the time and effort and expense to develop offensive missiles to try to reach the United States because it won't work. We are going to be able to shoot them down. So don't bother to do it.

This is a nonproliferation or antiproliferation program. By moving forward in a robust way with the expenditure of this money and letting them know that we mean business, that we are not bluffing, I believe we will deter countries from continuing the development of their programs or putting more money into their programs. We don't need to get into all of the countries that we might be talking about today. Some are perhaps, if not allies, at least not enemies of the United States today. Others are potential enemies.

The point is, we don't want to encourage anyone to believe that we are not serious about moving forward with this program. With all due respect, this amendment would send that signal. We have cut the money for the long lead funding on the third tranche of missiles. This would say: Let's just totally eliminate the funding, a half a billion dollars, for these 10 missiles. It begins to send the message that we are going to research forever but build never. That is a message we cannot afford to send.

What we are doing is consistent with the 1999 Missile Defense Act which declared, and I quote, that ''it is the policy of the United States to deploy as soon as is technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack.''

That is the law. That is what we need to do. If we have the technology to do it, it would be more than negligent; it would be criminal for our government not to do so. If you have the ability to do it, it is the moral thing to do as well.

As Ronald Reagan said many times: I would much rather be able to defeat an enemy missile than to have to rely upon a nuclear deterrent and mutually destroy each other.

It is unthinkable in today's world that we would have to do that when we have the technological option of missile defense. Given the nature of the threat posed, given our technological capability at this point and each year our increasing ability to improve, this is the only responsible course of action.

We have already defeated, in effect, this same amendment before, the Reid amendment, based on the same argument about operational testing. But it only fenced the funding for these missiles. The Levin amendment virtually eliminates the funding and would spend it on other things.

I suggest if we were willing to reject the Reid amendment, which merely fenced the funding, it would logically follow that we would even more likely reject the Levin amendment, which does away with all of the funding. What he has done is to distinguish from the Reid amendment by taking this half billion dollars and spreading it around to some other programs. That is the essential difference. I will turn to that next. His argument is that we need to look at priorities, and that right now it might be easier for some terrorists to bring a weapon of mass destruction into this country than to launch it on a ballistic missile.

In the first place, that is wrong. There are countries today that have the perfect capability of launching a ballistic missile with a nuclear warhead at the United States, and we have no defense against it whatsoever. So the argument is incorrect.

Now, it is true that a terrorist organization may want to do it in a different way. But if it could get hold of a missile, I suggest it would do it. Take the case of Pakistan, which is a very great ally of the U.S. today but a country with ballistic missiles. I hope that country will always have control over those missiles and have a leader of the quality of President Musharraf. But what would happen if it didn't? Terrorists can do things in lots of different ways, that is true, and that is a point the Senator from Michigan made. My subcommittee on terrorism technology held hearings on container security, and it is true that we don't have perfect security at our ports and we need to spend more money and we need to do better at looking at the different ways in which terrorism can strike the United States. That is all very true. The question is whether our priorities are right.

The Defense bill we are debating on the Senate floor tonight spends approximately $420 billion for next year. The Senator from Michigan would almost make it seem as if the only thing we are doing is spending money on missile defense, and that we have to get off of that priority because there are other higher priorities. How much are we spending on that? It is $10 billion. Out of a $420 billion Defense bill, we are spending $10.2 billion on missile defense, and only a half billion of that is on the program we are talking about.

So it is hardly a matter of taking all our defense money and putting it on a program that we should not be spending it on. Out of $420 billion, we are spending a half billion dollars on what the Senator from Michigan would strike. What are the higher priorities? The Senator says homeland security. Indeed, if you add the money in this bill and the other homeland security money on homeland security that is being authorized for this next year, it is more than $47 billion. That is 15 percent over last year and 130 percent over fiscal year 2002.

If you want to make the argument that as a matter of priority we should be spending more on homeland security than these 10 missiles, well, we are. It is $47 billion-plus versus a half billion dollars. I will repeat it. It is more than $47 billion versus the half billion dollars that the Senator from Michigan would strike from this program.

So I don't think we need to worry about priorities. In fact, I think the money that would be taken from the Missile Defense Program, and could literally cripple it, is already covered; that is to say, each of the programs to which the funding is added are already covered. We have already increased spending on 6 of the 10 programs to which the money would go. The bill has already added to the President's requested levels only the following programs: cruise missile defense, $80 million; blast mitigation R&D, $10 million added; radiation and nuclear detection, $5 million; modeling and simulation efforts to increase capability of fielded chemical-biological standoff detection systems, adding $2 million; nonproliferation verification R&D, $25 million; aircrew masks, a half-million-dollar procurement in the chem-bio defense program.

In all of the other programs and funding areas addressed in the Levin

amendment, the committee provided the requested level of funding. So what the administration requested, the committee gave them. So they added to the request in six, and in all of the others they are getting exactly what they had requested. In one area, the NORTHCOM military assistance to civil authorities, NORTHCOM indicates that it has no responsibility in the area.

For two potential adds, the execution of additional funding would be problematic. They probably could not spend the money. One is the Global Threat Reduction Initiative. It is a new NNSA nonproliferation initiative that was announced in May. They expect to fund it out of existing funds from the $87 million in fiscal 2005. An additional $211 million, as proposed in this amendment, would not be executable in fiscal 2005. They could not spend it.

On radiation detection and training in megaports, additional funds cannot be executed until agreements are negotiated with other nations. NNSA doesn't expect that these agreements could be in place in time to use additional funds in fiscal 2005.

The Department of Defense already has the flexibility with the funds requested within the budget to meet the high-priorities needs: antiterrorism/force protection training and exercises for the National Guard. These activities are funded through operation and maintenance, and the Department can already align the requested O&M funds to meet their needs.

The bottom line is that the additional funding taken away from missile defense is not needed. The arguments for taking it away have already been rejected by the Senate in the Reed amendment. This is just another attempt to research missile defense to death and never build it.

I encourage my colleagues to follow the good instinct that they followed with respect to the Reed amendment and reject this notion that we should not have more than the 20 missiles; that we don't need the additional 10 we are talking about here for operational testing because we do need to test against realistic conditions, and that is why we need to obtain the missiles and put them in these silos, and also because they just might be needed.

For once, it would be nice for us to say that on our watch the missile defense that was announced 20 years ago has actually become a reality. It is not a perfect system yet by any means, and that is the whole point of this particular program—to begin the development and deployment and spiral that technology as it continues to evolve. That is a great idea. It is a great protection for the American people. Why would we not want to do it?

With respect to the prioritization argument, I have already made it clear what we are spending on this. I didn't calculate the fraction, but it is a minor fraction of what we are spending on homeland security and on defense generally.

I urge my colleagues, as with the Reed amendment, to reject the argument behind this amendment; reject the Levin amendment and support the committee, which worked very hard to put together a product of which I think the Senate can be proud, that the administration will support, that we can get passed in conference committee and sent to the President for his signature, so we can move forward this year and, for the first time, this fall actually have the beginnings of a missile defense system for the people of this country. They deserve no less. It is our obligation to see to it that it comes to pass.

That is the conclusion of my remarks. I don't know if the Senator from Michigan wants to make further remarks at this time. I am going to want to proffer a unanimous consent request.

At this time, I yield to the Senator from Michigan.

Mr. LEVIN. Madam President, I will be very brief, given the hour. First, as to our friend's comment that this amendment suggests that we never build, only research, this amendment doesn't touch the 20 missiles slated to go into those silos in Alaska. It is my understanding, by the way, that those missiles in the Alaskan silos are not going to be launched as part of a test. I wonder if the Senator from Arizona would disagree with that. He talked about the necessity of those missiles being placed in silos in Alaska in order that they be realistically tested. I am wondering if the Senator from Arizona would agree that the DOD has determined, due to safety considerations, that no tests are currently planned to launch interceptors from the operational missile fields; is that his understanding also?

Mr. KYL. Madam President—

Mr. LEVIN. To launch. There is no decision currently made.

Mr. KYL. Madam President, I have not checked to see what the current plan is with respect to the timing of the tests and with respect to the missiles that are included within the program, which I think the Senator is talking about, which are the first 20 missiles.

Mr. LEVIN. That is correct. It is my understanding there are no tests planned to launch interceptors from those missile fields. If there is any change in that, I think we will find out tomorrow morning.

This amendment does not touch those 20 missiles. I want to reiterate that point. It does not touch the money. It does not cut the missiles. Those missiles will be there. They are not going to be launched from there.

Nonetheless, they are going to be there. How that leads to realistic testing beats me, but nonetheless that debate is passed.

What has not passed is the most unmet emergency threat to the United States. This is according to the Russia task force of the Secretary of Energy advisory:

> The most unmet national security threat to the United States today is that the danger of weapons of mass destruction or weapons usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

That task force was cochaired by Senator Baker, our former colleague, and a former White House counsel, Lloyd Cutler. The Baker-Cutler task force also concluded that the limited mandate and funding falls short for what is required to address adequately the threat.

Looking at those nonproliferation programs in the Department of Energy, that task force concluded that the funding falls short of what is required to address adequately the threat.

Then we have the Department of Energy making an announcement that it has become clear, the Secretary of Energy said, that even more comprehensive and urgently focused effort is needed to respond to emerging and evolving threats, referring here to the Russian fissile material, saying the Global Threat Reduction Initiative announced by Secretary Abraham at the International Atomic Energy Agency at the end of May would ensure that nuclear and radiological material and equipment did not ''fall into the hands of those with evil intentions'' by ''securing, relocating, or disposing of these materials or equipment.'' There is supposed to be $450 million that would go into this effort. There is nothing, or virtually nothing, in the 2005 budget to address that threat.

The Senator from Arizona is correct that we have given the administration what they asked for in their budget request. Despite the words saying this is a major threat to this country, they have asked for nothing. We should correct that deficiency and address the most serious threat we face in terms of terrorism by using some of the money for these extra 10 missiles—not the first 20 but the extra 10 that are now being requested—in order to address the most real, the most dangerous threat we face.

Madam President, I yield the floor. I do not know if that unanimous consent request relates to this matter or not.

Mr. KYL. Let me first correct one thing I had said earlier. There were two Reed amendments, both of which were based on the same proposition with respect to operational testing. One regarding fencing we have not yet voted on, and the other one was rejected. To that extent I misspoke.

Secondly, before I propound the unanimous consent requests, let me make clear to the Senator from Michigan, I am not yet aware of plans, as I answered my colleague. I think the Director of the Ballistic Missile Defense Organization is working on the plans. So I do not think any of us are yet aware of what plans there may be with respect to testing of these missiles. I do not think the plan is completed.

Mr. LEVIN. In terms of launching interceptors from that test bed in Alaska, that would be a stunning change in

terms of the safety of the people of Alaska. I am sure if that plan has been made, there is a plan to launch missiles from that test site as part of a test, not in response to some accidental launch—and I could not agree more with the Senator from Arizona, if we had missiles in the ground and if we saw a launch come at us, we would use them in the hope that they might work. I have no doubt about that. I would hope they would work. It would be useful to take the time, expend the energy and the money to make sure they work.

Nevertheless, I have no doubt if we thought they would work 1 in 10, 1 in 1,000, or 1 in 2, we would try.

Mr. KYL. Madam President, I knew if we stood here long enough, the Senator from Michigan and I would find something on which to agree.

Mr. LEVIN. We agree on many things, and that would surely be one of them. I think we would also agree that it would be nice if we could expect they would work. I think the Senator from Arizona would agree with that. The greater likelihood they would work, the greater good it is for our Nation.

Mr. KYL. Madam President, of course that is true. I would like to propound some unanimous consent requests on behalf of the leader, if there is no other Senator wishing to speak to this matter.

MORNING BUSINESS

Mr. KYL. Madam President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING TOM LESHENDOK

Mr. REID. Madam President, I rise today to congratulate Mr. Tom Leshendok of Sparks, MV, on his selection by the Department of Interior for the Meritorious Service Award. It is my honor to recognize the contributions of this dedicated public servant.

Mr. Leshendok's career has spanned more than three decades and several Federal agencies, including the U.S. Geological Survey, the Minerals Management Service, the Environmental Protection Agency, and the Bureau of Land Management. In each of these positions, he has contributed tremendously to the effective and responsible management of our public lands and natural resources.

Mr. Leshendok's work as Deputy State Director of Minerals for the Nevada BLM was particularly important to the economy and welfare of my State. Not only does the BLM administer almost 48 million acres of public land in Nevada, it also overseas the production of 72 percent of our Nation's gold and silver.

As the leader of the BLM's largest mining law administration program, Mr. Leshendok was responsible for the leasing and development of geothermal, oil, and gas resources, the Abandoned Mine Lands program, and hazardous material detection and remediation. His ability to craft effective collaborative approaches to these important issues was a hallmark of his leadership at the Nevada BLM.

Please join me in thanking Tom Leshendok for his strong commitment to public service and congratulating him on his selection for the Department of Interior's Meritorious Service Award.

DAVID A. CHRISTIANSEN—NATIONAL DISTINGUISHED PRINCIPAL

Mr. REID. Madam President, I rise today to congratulate David A. Christiansen, the principal at Huffaker Elementary School in Washoe County, who was selected as Nevada's 2004 National Distinguished Principal.

The National Distinguished Principals Program, jointly sponsored by the U.S. Department of Education and the National Association of Elementary School Principals, was established in 1984 to honor exemplary elementary and middle schools from each of the 50 States and the District of Columbia.

This honor highlights the importance of school principals in building excellent schools, and recognizes their accomplishments and leadership in helping children develop a lifelong love of learning.

Mr. Christiansen has been a principal in the Washoe County School District since 1989, and has served at Huffaker Elementary School since July 2001.

His talent and leadership skills speak volumes. For the last 3 years, Huffaker Elementary School has received awards for academic excellence from the Nevada Department of Education. He also has implemented and enhanced programs in art, science, reading, and physical education.

Mr. Christiansen is the third principal from the Washoe County School District to be named a National Distinguished Principal.

I salute David Christiansen for his service and dedication to the children of Washoe County and extend him my best wishes for a successful future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam 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 January 25, 1999, Derek Glacken, 27, was convicted of first-degree murder and sentenced to life without the possibility of parole for the fatal 1996 stabbing of a man whom he believed to be gay.

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.

JUNETEENTH

Mr. PRYOR. Madam President, I rise today to bring attention to the celebration of Juneteenth. Juneteenth is the oldest known celebration commemorating the abolition of slavery in the United States. This day celebrates African American freedom while encouraging self-development and respect for all cultures.

Throughout our history, African Americans have struggled to achieve equality and freedom. They have endured a legacy of slavery and segregation. Through their belief in the American dream, they fought for equal rights and taught the Nation to look past outward appearances and judge a person by their character. Their undying quest to achieve freedom and equality is why I am here today: To honor the day where slaves in some southern States learned of their emancipation.

On June 19, 1865, Major General Gordon Granger went to Texas to proclaim emancipation to Texas slaves. This was the first time that slaves in Texas and other surrounding States found out about their emancipation. He stated, ''The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.''

Following emancipation, ex-slaves entered freedom under the most difficult conditions, penniless and homeless with only the clothes on their back. They began to migrate to the north and to southern States like Arkansas, Louisiana, and Oklahoma in search of better lives and a better future for their families. The descendants of these former slaves passed down a tradition of celebrating the emancipation announcement at the end of June because of it's significance for African Americans. The term ''Juneteenth'' reflects the inability of history to identify the exact date all slaves became free in this country. However, the importance of the event is memorialized in this celebration and is often observed as a time to remember the past and look to the future.

The first Juneteenth celebrations were political rallies used to teach freedmen about voting. Cakewalks,

baseball games, contests and parades would come to be identified as traditional parts of the celebration as well. However, from the very beginning food, family and friends played central roles in these remembrances.

Many African Americans will continue this celebration through various activities in their local communities. I was honored to join Arkansans in celebrating Juneteenth in Little Rock this past weekend, and I challenge all Americans to join me in celebrating the rich history and countless contributions African Americans have made in our country, to remember the struggles for dignity and racial equality in America and to commit to fighting for equality in our schools, workplaces and in our communities.

THE BOSTON CELTICS—THE ''HEROES AMONG US'' AWARDS

Mr. KENNEDY. Madam President, the Boston Celtics are heroes on the basketball court, and they are heroes off the court as well. In 1997, they established the ''Heroes Among Us'' Awards to honor outstanding persons in the area who have had an especially significant impact on the lives of others. The award pays tribute to men and women who have made a difference because of their unselfish commitment to their community. Their extraordinary achievements take place in a wide variety of fields, and are made by persons of all ages and in all walks of life.

At each home game during the basketball season, the Celtics and their fans pay tribute to one of the honorees in a special presentation on the basketball court. So far, over 300 persons have received the ''Heroes Among Us'' award.

All of us in the Kennedy family are proud that one of this year's awards was made to my nephew Tim Shriver. He was honored for his leadership of the Special Olympics, which provides training in sports and opportunities to participate in competitive sports for children and adults with mental retardation in many nations throughout the world. Tim was honored in Boston last December during a Celtics game against the Utah Jazz, and several Special Olympics athletes were part of the ceremony on center court.

Massachusetts is proud of the Celtics and proud of this successful and inspiring awards program, which has become one of the most respected such initiatives in the Nation. I ask unanimous consent to print in the RECORD the names of the honorees for the 2003–2004 season.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Frank Kilroy (Danvers), Karen Butler and Tom Lee (Brockton), Atala Esquilin (Lynn), Karen, Bob and Alex Bean (Shrewsbury), Mary Soo Hoo (Boston), Caitlin Gorski (Hopkinton), Chris Constantino (Plymouth), Nadine Burgeson (Lakeville), Kellie Burgeson Surdis (Lakeville), Joe Lawless (Lynnfield), Dr. Arnold Scheller (Milton), Jackie Jenkins-Scott (Roxbury), Honorable Leslie Harris (Dorchester), Anne Norton (Boston), Lieutenant Paul D. Lucas (Boston), Firefighter Dorian Jenkins (Boston);

Firefighter Vincent Dimino (Boston), Cory Arno (Central Falls, RI), Mel Rubin (Chestnut Hill), Ryan and Hattie Wilkinson (Medfield), Mason Hedberg (North Attleboro), Myra Fox (Newton), Margela Olivier-Galette (Randolph), Lee and Allison Weissman (Springfield), Jesus Gerena (Jamaica Plain), Veryl Anderson (North Andover), Bob Michalczyk (Lowell), George Kouloheras (Lowell), Michael Danziger (Lincoln), Melinda Pellerin-Duck (Springfield), State Trooper Kevin Fogwill (Brookfield), Tony DeBlois (Randolph);

Matt Haymer (Andover), Brian, Calvin and David Owino (Framingham), Debby Sabin Kanzer (Lincoln), Daniel Gonzalez (Cambridge), David Goodfellow (Lakeville), Linda Brooks (Framingham), Greg deZarn-O'Hare (East Kingston, NH), Peter Bruce (South Dartmouth), Brendan McDonough (Dorchester), Ron Bielicki (Waltham), Tim Shriver (Washington, DC), Charity Bell (Jamaica Plain), Alex Cortes (Springfield), George Giddings (Yonkers, NY);

Charles Diggs (Norwood), Harvey Sanford (Boston), Willis Saunders (Boston), Boston Police Sergeant John Danilecki (Boston), Boston Police Officer Adam Gill (Boston), Boston Police Officer Michael Mylett (Boston), Boston Police Officer Michael Doyle (Boston), Massachusetts Bay Transportation Authority Police Officer James St. Croix (Boston), Massachusetts Bay Transportation Authority Police Officer Richard Lum (Boston), Massachusetts Bay Transportation Authority Police Officer Chi Keung (Boston).

ADDITIONAL STATEMENTS

KENTUCKY MOUNTAIN DEVELOPMENT CORPORATION

• Mr. BUNNING. Madam President, I rise to honor and pay tribute to the Kentucky Mountain Development Corporation, KMHDC, for receiving one of the Fannie Mae Foundation's 6 Maxwell Awards for Excellence.

The Maxwell Awards of Excellence program showcases the outstanding work of nonprofit organizations in developing and maintaining housing for low-income Americans. Each year the award is given to only 6 projects nationwide. The Kentucky Mountain Development Corporation is a church-related nonprofit established in 1973, that provides save, decent, affordable homes for low-income families in Southeastern Kentucky. The staff of nearly 30 works with volunteers to build and repair houses for low-income families and provide financing for families with income too low to qualify for any other housing assistance. KMHDC originates and services low-interest loans and provides jobs and promotes economic development through housing production in rural Appalachia.

The Kentucky Mountain Development Corporation is an outstanding example of how Kentuckians use their entrepreneurial talent, drive, and vision to create opportunities not just for themselves, but for others. In the last 30 years, they have provided 600 homes for low-income families and it has completed more than 400 home repairs to substandard owner occupied units.

Southeastern Kentucky is fortunate to have the Kentucky Mountain Development Corporation as a home-based business. I appreciate their loyalty to Kentucky and their community. The company is a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth.

Congratulations, Kentucky Mountain Development Corporation. You are Kentucky at its finest.•

WEST VIRGINIA DAY

• Mr. ROCKEFELLER. Madam President, I would like to take a moment to recognize the beautiful State which I am proud to call my home, West Virginia. Yesterday, June 20, was truly a day to celebrate our great State. One hundred and forty one years ago, West Virginia became the 35th State to join our Nation.

West Virginia's travel slogan ''Wild and Wonderful'' captures the essence of West Virginia's terrain. In reference to the spirit of our landscape abundant with roaming rivers and dense forests, the early settlers created the state motto: ''Mountaineers are always free.'' To this day, West Virginia remains known for its breathtaking natural beauty. It is a growing destination for people from around the world interested in hiking, mountain biking, hunting, fishing, white water rafting, skiing, golf, and many other outdoor activities which take advantage of the natural beauty of the West Virginia hills.

Visitors to the State are often impressed by our sweeping vistas, mountainous terrain, and undisturbed wilderness. Much of our beauty is preserved for the ages in several world class National and State Parks.

While the landscape of the Mountain State is inspiring, it is the people of West Virginia who truly encapsulate the majesty and spirit of our State. Over the last 141 years, many different people have called West Virginia home. Native Americans came here for our rich hunting grounds. Civil War soldiers fought many battles on our land, diverse waves of immigrants worked in our thriving industries of glass, coal, steel, wood products, oil and the railroad. We have come so far over the last 141 years, and yet we maintain the same sense of pride in our culture, people, and rolling West Virginia hills.

These historical influences helped to diversify our population and create the vibrant culture we enjoy today. West Virginia culture is famous for its pottery, glass, history, stories, and in particular, its music. This music, including bluegrass, ballads and gospel songs, has a special tie to our culture and our people, telling of our history and our industry. Aside from what we produce, it is who we are that makes West Virginia a place of which to be proud. We

are a hard-working people, creative and sincere. The fervent, spirited people of West Virginia invigorate all aspects of the greater American society and culture.

With the world turning to a newer high technology economy, West Virginia remains at the forefront with its strong contributions to biometrics through its growing network of biometrics companies, government agencies and universities. While West Virginia contributes in the global economy, our traditional industries of coal, steel, timber, and chemicals continue proudly as the base of our economy. Some of our finest academic institutions offer strong programs in engineering, physics and medicine, which contribute to our growing success in new fields such as biometrics technology and development. Also, with the ever-expanding broadband internet, more West Virginians are joining the internet community. Particularly in the classroom, the presence of high-speed internet is keeping West Virginian students worldly and capable in this age of technology.

Now, as we stand at the gateway of the 21st Century, I am honored to recognize West Virginia's 141st birthday, and I am enormously proud to be a West Virginian.●

IN RECOGNITION OF ALAN MILBAUER'S RETIREMENT

● Mr. CARPER. Madam President, I pay tribute today to Alan Milbauer upon his retirement as vice president of public affairs for AstraZeneca. His dedication has won him the respect of coworkers and friends alike, along with the gratitude of many in our State. He has been, and remains, a trusted friend.

A native of Brooklyn, NY, Alan was born on August 30, 1943, to Francis and Irving Milbauer. He received his early education in Brooklyn and went on to earn degrees in pharmacy and law at the University of Connecticut in 1965 and 1968, respectively.

Alan has spent most of his career in the pharmaceutical industry, except for a brief experience in the field of consumer marketing research. He began his industry experience as attorney for the Pharmaceuticals Research and Manufacturers of America, PhRMA, before coming to Delaware and joining Zeneca Pharmaceuticals—then Atlas Chemicals—in 1969. In 1976, he was appointed director of regulatory affairs. He became vice president of planning in 1985 and vice president of marketing in 1991. Prior to the merger of Astra and Zeneca, Alan served as vice president of external affairs for Zeneca Pharmaceuticals.

As a member of the U.S. AstraZeneca leadership team, Alan's responsibilities include Federal and State government affairs, corporate external communications, public relations and ally development, corporate and community affairs, and public policy. As a major international healthcare business engaged in the research, development, manufacturing and marketing of pharmaceuticals and healthcare services, Alan has provided strong leadership and served as a role model to many. According to friends, he has been described as the ''conscience'' for the company. He has long sought to ensure that AstraZeneca was mindful of its corporate responsibility to the community. Alan brought the human side to the corporate world. He also played a role in helping bring AstraZeneca's United States headquarters to Delaware during my years as Governor.

Alan serves as a board director for the Delaware Theatre Company, Delaware Public Policy Institute, and is a trustee of the University of the Sciences in Philadelphia. He is also a member of the board of directors of the Vox Medical Center for Patient Education and Health Literacy, and is a member of the Connecticut Bar. Alan's leisure interests include travel, theater, reading, and playing golf.

Alan and his wife of 37 years, Nancy, live in Wilmington, DE. They have three children, Karen, Stephen and Jennifer, and two grandchildren, twins Jacob and Rachel.

Through Alan's efforts, he has made a real difference in the lives of thousands of individuals and enhanced the quality of life for our State. Upon his retirement, he will leave behind a legacy of commitment to public service for both his children and grandchildren and for others to follow. I thank him for the friendship that we share, and I congratulate him on a remarkable and distinguished career. I wish him and his family only the very best in all that lies ahead for each of them.●

MESSAGES FROM THE HOUSE

At 1:24 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, in which it requests the concurrence of the Senate:

H.R. 4567. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4568. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1848. An act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon.

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

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. 458. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238.

The message further announced that pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of December 8, 2003, the Speaker appoints the following Members of the House of Representatives to the United States Delegation of the Canada-United States Interparliamentary Group: Mr. HOUGHTON of New York, Chairman, Mr. DREIER of California, Mr. SHAW of Florida, Mr. STEARNS of Florida, Mr. MANZULLO of Illinois, Mr. SMITH of Michigan, Mr. ENGLISH of Pennsylvania, Mr. SOUDER of Indiana, and Mr. TANCREDO of Colorado.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4568. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4567. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4520. An act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8028. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Part 15 and other Parts of the Commission's Rules'' (FCC04–98) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8029. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Lineline and Link-Up'' (FCC04–87) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8030. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies; 2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite

Network Earth Stations and Space Stations'' (FCC04–92) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8031. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies Mitigation of Oribital Debris'' (FCC03–102) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8032. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 76 of the Commission's Rules to Extend Interference Protection to the Marine and Aeronautical Distress and Safety Frequency 406.025 MHz'' (FCC04–75) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8033. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010'' (FCC03–204) received on June 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8034. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled ''National Oceanic and Atmospheric Administration Organic Act of 2004''; to the Committee on Commerce, Science, and Transportation.

EC–8035. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation , transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instruction; Final Rule, Response to Appeals and Corrections'' (RIN2137–AD94) received on June 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8036. A communication from the Administrator, Federal Motor Carrier Safety Administration, transmitting, pursuant to law, a report relative to the Large Truck Crash Causation Study; to the Committee on Commerce, Science, and Transportation.

EC–8037. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Canyonlands National Park, National Park Service, transmitting, pursuant to law, the report of a rule entitled ''Canyonlands National Park—Salt Creek Canyon'' (RIN1024-AC87) received on June 15, 2004; to the Committee on Energy and Natural Resources.

EC–8038. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled ''Wilson's Creek National Battlefield Boundary Adjustment Act''; to the Committee on Energy and Natural Resources.

EC–8039. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law , the report of a rule entitled ''Maryland Regulatory Program'' (MD–053–FOR) received on June 14, 2004; to the Committee on Energy and Natural Resources.

EC–8040. A communication from the Director, Office of Surface Mining, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–101–FOR) received on June 14, 2004; to the Committee on Energy and Natural Resources.

EC–8041. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of 10 CFR 50.48 to Allow Performance-Based Approaches Using National Fire Protection Association (NFPA) Standard 805 (NFPA 805) ''Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants' 2001 Edition'' (RIN3150–AG48) received on June 15, 2004; to the Committee on Environment and Public Works.

EC–8042. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound'' (FRL7661–8) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8043. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Pao Ozone Nonattainment Area'' (FRL#7672–7) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8044. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval and Revisions to the State Implementation Plan'' (FRL#7672–4) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8045. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL#7672–3) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8046. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for Virginia'' (FRL#7658–3) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8047. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for West Virginia'' (FRL#7657–4) received on June 14, 2004; to the Committee on Environment and Public Works.

EC–8048. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Source of Cross-Border Pension Distributions'' (Rev. Proc. 2004–37) received on June 10, 2004; to the Committee on Finance.

EC–8049. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2004–42) received on June 10, 2004; to the Committee on Finance.

EC–8050. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Disability Insurance Proceeds'' (Rev. Rul. 2004–55) received on June 10, 2004; to the Committee on Finance.

EC–8051. A communication from the Director, Department of Homeland Security and the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a new human resources system for some or all of the organizational units of the Department of Homeland Security; to the Committee on Governmental Affairs.

EC–8052. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the financial status of the railroad unemployment insurance system; to the Committee on Governmental Affairs.

EC–8053. A communication from the Administrator, General Services Administration, transmitting, a draft of proposed legislation relative to payment for certain travel expenses for Federal employees; to the Committee on Governmental Affairs.

EC–8054. A communication from the Assistant General Counsel for Regulatory Services, Office of Management, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations'' received on June 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8055. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Transition to Teaching—Notice of Final Priorities and Requirements'' (RIN1855–ZA06) received on June 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8056. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Direct Grant Programs; State-Administered Programs; and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'' (RIN1890–AA11) received on June 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8057. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PM 2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Area; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes'' (FRL#774–6) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8058. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations and Classifications for the 8-hour Ozone: National Ambient Air Quality Standards; Deferral of Effective Date'' (FRL7775–5) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8059. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air

Quality Standards; Early Action Compact Areas With Deferred Effective Dates'' (FRL#774–8) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8060. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; update to Materials Incorporated by Reference'' (FRL#7668–1) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8061. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia; Approval of Revisions to the State Implementation Plan'' (FRL#7672–4) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8062. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida; Broward County Aviation Department Variance'' (FRL#7773–8) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8063. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio'' (FRL#7774–7) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8064. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emission of Radionuclides Other That Radon from Department of Energy Facilities; National Emission Standards of Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H; Final Amendment'' (FRL#7773–5) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8065. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export'' (FRL#7774–1) received on June 17, 2004; to the Committee on Environment and Public Works.

EC–8066. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Convention on Supplementary Compensation for Nuclear Damage; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 1292. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives (Rept. No. 108–282).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2322. A bill to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees (Rept. No. 108–283).

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. CRAPO (for himself, Mr. INHOFE, and Ms. MURKOWSKI):

S. 2550. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself and Mr. WYDEN):

S. 2551. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education , Labor, and Pensions.

By Mr. CONRAD:

S. 2552. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for Mr. DODD (for himself and Mr. BUNNING)):

S. 2553. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program; to the Committee on Finance.

By Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID)):

S. 2554. A bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Ms. CANTWELL, Mr. LEVIN, Mr. BINGAMAN, Mr. CORZINE, Mr. LIEBERMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. DASCHLE, Mr. BYRD, Mr. MILLER, and Mr. DURBIN):

S. Res. 385. A resolution recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964; considered and agreed to.

By Mr. SCHUMER:

S. Res. 386. A resolution recognizing the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States, and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors 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. 1559

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) 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. 1888

At the request of Mr. SPECTER, the names of the Senator from California

(Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 1938

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1938, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited.

S. 2018

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2018, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes.

S. 2059

At the request of Mr. FITZGERALD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2059, a bill to improve the governance and regulation of mutual funds under the securities laws, and for other purposes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2175

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. DASCHLE) 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. 2176

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2176, a bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

S. 2199

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2199, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 2204

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2204, a bill to provide criminal penalties for false information and hoaxes relating to terrorism.

S. 2273

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2273, a bill to provide increased rail transportation security.

S. 2327

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2327, a bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2414

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2414, a bill to establish a commission to review Federal inmate work opportunities.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2439

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2439, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2486

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2486, a bill to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration or benefits for veterans, and for other purposes.

S. 2522

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2529

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2529, a bill to extend and modify the trade benefits under the African Growth and Opportunity Act.

S. 2534

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2534, a bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 74

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as ''National Health Center Week''.

AMENDMENT NO. 3173

At the request of Mr. ALEXANDER, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 3173 proposed to S. 2400, an original bill 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.

AMENDMENT NO. 3225

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3225 proposed to S. 2400, an original bill 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.

AMENDMENT NO. 3245

At the request of Mr. BOND, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Missouri (Mr. TALENT) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of amendment No. 3245 proposed to S. 2400, an original bill 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.

AMENDMENT NO. 3288

At the request of Mr. FEINGOLD, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3288 proposed to S. 2400, an original bill 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.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3288 proposed to S. 2400, supra.

AMENDMENT NO. 3338

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Louisiana (Ms . LANDRIEU) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3338 proposed to S. 2400, an original bill 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.

AMENDMENT NO. 3434

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Massachusetts (Mr. KERRY) were withdrawn as cosponsors of amendment No. 3434 proposed to S. 2400, an original bill 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.

AMENDMENT NO. 3457

At the request of Mr. BURNS, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 3457 proposed to S. 2400, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. WYDEN):

S. 2551. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Madam President, last Thursday, the Centers for Disease Control and Prevention announced that smoking among high school students has dropped to its lowest level in more than a decade. As a heart and lung surgeon, as one who has seen the travesty of smoking and the devastation it causes in people's lungs and on their heart, this is great news. We are making great strides in this battle against smoking, especially in the teenage years.

Fewer students now say they have never tried cigarettes. The CDC gives part of the credit to effective antismoking media campaigns and antismoking education in the classroom. I mention this demonstrated success, because it energizes us in the battle against an issue that is equally important and, in fact, actually growing among young people, and that is childhood obesity.

The CDC report demonstrates that aggressive education can steer kids away from harmful behaviors and toward making healthier choices. While food is not exactly like cigarettes, one cannot just say no. Childhood obesity is a serious public health threat and a threat that is growing. In fact, the CDC reports that obesity is on its way to surpassing smoking as the leading preventable killer in the United States of America, and that is why Senator WYDEN and I today are introducing a bill called the Childhood Obesity Reduction Act.

We believe early intervention with community and school support at the grassroots level is key to preventing lifelong obesity and the obesity-related illnesses that result. Ten percent of American children are clinically obese. More than 30 percent of American children are overweight, and we know that overweight and obese children have a lower quality of life than their healthy peers. They suffer significantly higher rates of type II diabetes and cardiovascular—that is, heart—and blood vessel disease, including heart attack, stroke, and congestive heart failure. Later in life, they are more likely to suffer from lung disease or pulmonary disease complications like sleep apnea, musculoskeletal problems—that is, bone and muscle problems—which include degenerative joint disease and disk disease, and also are more likely to suffer psychosocial problems, including poor self-image, depression, lack of self-esteem, and isolation.

A recent study published in Pediatrics Magazine found that obese boys and girls were two times more likely than normal weight children to be intentionally left out of social activities. After adolescence, overweight kids have a 70-percent chance of becoming overweight or obese adults.

The good news is that we can reverse these trends. We need to reverse these trends, and we can reverse these trends. Our kids simply should not have to suffer from a condition that is preventable and treatable based on what we know today. The best way is to start in those earliest of years.

The bill Senator WYDEN and I are introducing today encourages schools to promote physical activity and to teach children how to make healthy food decisions. It also sets up a public-private partnership foundation to fund innovative projects that improve eating and exercise habits in school.

The Childhood Obesity Reduction Act authorizes $2.2 million for a Congressional council on childhood obesity. The council will seek out model anti-obesity programs in both public and private schools and will award these schools with the Congressional Achievement Award. After 2 years of selecting model programs for other schools to follow, the council will create a public-private partnership called the National Foundation for the Prevention and Reduction of Childhood Obesity. The foundation will give challenge awards to schools that implement those model anti-obesity programs.

In closing, we know that kids need to run, jump, and play. We know that is good for their bodies. We know it is good for their spirits. They need nutritional food that gives them energy, the type of food that really does keep them sharp. They need a school environment that encourages healthy habits, vigor, expenditure of energy, and vitality.

I thank my colleague, Senator WYDEN, for his leadership in this important public health effort. I urge my colleagues to be a part of the solution and am delighted to be able to join with my colleague, Senator WYDEN, in submitting and ultimately passing this legislation, all of which will help Americans keep fit.

Mr. WYDEN. Madam President, the majority leader has given an excellent statement with respect to this issue, and I want to express my appreciation to him for the chance to make this yet another bipartisan kind of effort.

If ever there were a cause that ought to bring the Senate together, fighting childhood obesity is exactly the kind of thing where we ought to be teaming up. I thank my colleague for his excellent statement and for the chance to work with him.

The majority leader and I believe our legislation will help launch a national mobilization to reduce and prevent the epidemic of childhood obesity and help our kids grow up healthy in America. Today, kids are eating greater quantities of less healthy foods. They are exercising less and less.

Childhood obesity has doubled during the past 30 years. In my home State, it is far and away one of our most serious emerging health problems. Ten percent of the 8th graders and 7 percent of the 11th graders in my State are overweight. So, in my view, what we have is nothing short of an epidemic of kids who are not as healthy as they could be and they need to be and not as healthy as children were in previous generations. These kids today have a host of health problems that promise to worsen if nothing is done to change them.

I was particularly pleased that the majority leader highlighted some of the concerns we want to tackle. The situation with respect to type II diabetes is completely unacceptable. This is an illness that used to be virtually unheard of in children. Yet the increase in this disease is literally on a parallel with the documented track of an increase in childhood obesity. One-quarter of children 5 to 10 years of age show early warning signs for health problems such as elevated cholesterol and high blood pressure. Doctors at the Oregon Health Sciences University Obesity Clinic say that referrals of youngsters as young as 6 are becoming virtually routine.

We are not going to see this change happen by osmosis. It is going to come about because adults working with parents, schools, and communities provide some real leadership, and that is what this bipartisan legislation seeks to do. We recognize in this bill that there is a fair amount of good work going on in our communities already, and we recognize this is an issue that needs to be addressed not from Washington, DC, with a one-size-fits-all approach, but it needs to be addressed in our schools and in our communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

What we seek to do is to encourage this kind of bottom-up approach, where schools and communities across the country, relying on leaders in their own hometowns, consulting with experts here from the Congress, will get out state-of-the-art information with respect to making sure we are using all the tools that are out there to fight obesity. We are going to be consulting and coordinating this effort with the President's Council on Physical Fitness so that both sides of the equation, nutrition and exercise, are addressed in the fight against childhood obesity.

We have also concluded it is absolutely critical to use state-of-the-art technology to get out this information. We have proposed a Web site be created to link schools to community groups and leaders who are already working to help kids stay healthy. With a few clicks of the ''enter'' button, it will be possible for kids in Des Moines to find out what the best approaches are for kids, say, in the rural West.

We believe using this kind of technology is going to allow us to use scarce resources, at a time when we are all concerned about the deficit, to better meet the health needs of children in our communities. Whether it is enlisting local organic farmers to make their produce available to schools or helping our kids become more physically active, what we propose in this bipartisan legislation is a wide variety of options for schools and communities to work together.

I am very pleased that an important feature of the legislation, as noted by the majority leader, is the foundation that would allow us to continue the work of our Congressional Council, which would end once the foundation is established.

Finally, it seems to me the point of this legislation is to target the area where we can make the most difference and that is our schools. Schools, of course, are where the children are. It is where they spend a lot of time. It is a place where they eat, and very often several meals a day. If children can learn in school how to balance their choices, wherever they go and whenever they are confronted with a variety of food options, they can make better choices for themselves.

I see the distinguished chair of the Armed Services Committee is back on the floor. He has an extensive schedule, I know. I don't want to hold this up. I want to wrap this up by saying to the majority leader how much I have enjoyed working with him. We have long felt that health care is one of the issues that can bring the Senate together. If ever there was a health cause that requires what I think is appropriately called a national mobilization in our schools and our communities, fighting childhood obesity is it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2551

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 ''Childhood Obesity Reduction Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Centers for Disease Control and Prevention, obesity may soon overtake tobacco as the leading preventable cause of death.

(2) In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

(3) Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

(4) Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

(5) Obesity in children and adolescents is generally caused by a lack of physical activity, unhealthy eating patterns, or a combination of the 2, with genetics and lifestyle both playing important roles in determining a child's weight.

(6) Overweight adolescents have a 70 percent chance of becoming overweight or obese adults.

(7) The 2001 report ''The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity'' suggested that obesity and its complications were already costing the United States $117,000,000,000 annually.

(8) Substantial evidence shows that public health risks can be reduced through increased public awareness and community involvement.

(9) Congress needs to challenge students, teachers, school administrators, and local communities to voluntarily participate in the development and implementation of activities to successfully reduce and prevent childhood obesity.

TITLE I—CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY

SEC. 101. CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY.

(a) ESTABLISHMENT OF COUNCIL.—There is established a ''Congressional Council on Childhood Obesity'' (referred to in this title as the ''Council'').

(b) PURPOSES.—The purposes of the Council shall be—

(1) to encourage every elementary school and middle school in the United States, whether public or private, to develop and implement a plan to reduce and prevent obesity, promote improved nutritional choices, and promote increased physical activity among students; and

(2) to provide information as necessary to secondary schools.

SEC. 102. MEMBERSHIP OF THE COUNCIL.

(a) COMPOSITION OF THE COUNCIL.—The Council shall be composed of 8 members as follows:

(1) The majority leader of the Senate or the designee of the majority leader of the Senate.

(2) The minority leader of the Senate or the designee of the minority leader of the Senate.

(3) The Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives.

(4) The minority leader of the House of Representatives or the designee of the minority leader of the House of Representatives.

(5) 4 citizen members to be appointed in accordance with subsection (b).

(b) APPOINTMENT OF CITIZEN COUNCIL MEMBERS.—

(1) METHOD OF APPOINTMENT.—For the purpose of subsection (a)(5), each of the 4 members described in paragraphs (1) through (4) of subsection (a) shall appoint to the Council a citizen who is an expert on children's health, nutrition, or physical activity.

(2) DATE OF APPOINTMENT.—The appointments made under paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the manner in which the original appointment was made under subsection (a).

(d) CHAIRPERSON.—The members of the Council shall elect, from among the members of the Council, a Chairperson.

(e) INITIAL MEETING.—The Council shall hold its first meeting not later than 120 days after the date of enactment of this Act.

SEC. 103. RESPONSIBILITIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall engage in the following activities:

(1) Work with outside experts to develop the Congressional Challenge to Reduce and prevent Childhood Obesity, which shall include the development of model plans to reduce and prevent childhood obesity that can be adopted or adapted by elementary schools or middle schools that participate.

(2) Develop and maintain a website that is updated not less than once a month on best practices in the United States for reducing and preventing childhood obesity.

(3) Assist in helping elementary schools and middle schools in establishing goals for the healthy reduction and prevention of childhood obesity.

(4) Consult and coordinate with the President's Council on Physical Fitness and other Federal Government initiatives conducting activities to reduce and prevent childhood obesity.

(5) Reward elementary schools, middle schools, and local educational agencies promoting innovative, successful strategies in reducing and preventing childhood obesity.

(6) Provide information to secondary schools.

(b) CONGRESSIONAL CHALLENGE WINNERS.—

(1) IN GENERAL.—The Council shall—

(A) evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2);

(B) designate the plans submitted under paragraph (2) that meet the criteria under paragraph (3) as Congressional Challenge winners; and

(C) post the plans of the Congressional Challenge winners designated under subparagraph (B) on the website of the Council as model plans for reducing and preventing childhood obesity.

(2) SUBMISSION OF PLANS.—Each elementary school, middle school, or local educational agency that desires to have the plan to reduce and prevent childhood obesity of such entity designated as a Congressional Challenge winner shall submit to the Council such plan at such time, in such manner, and accompanied by such information as the Council may reasonably require.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Council shall evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2) and shall designate as Congressional Challenge winners the plans that—

(i) show promise in successfully increasing physical activity, improving nutrition, and reducing and preventing obesity; or

(ii) have maintained efforts in assisting children in increasing physical activity, improving nutrition, and reducing and preventing obesity.

(B) CRITERIA.—The Council shall make the determination under subparagraph (A) based on the following criteria:

(i) Strategies based on evaluated interventions.

(ii) The number of children in the community in need of assistance in addressing obesity and the potential impact of the proposed plan.

(iii) The involvement in the plan of the community served by the school or local educational agency.

(iv) Other criteria as determined by the Council.

(c) MEETINGS.—The Council shall hold not less than 1 meeting each year, and all meetings of the Council shall be public meetings, preceded by a publication of notice in the Federal Register.

SEC. 104. ADMINISTRATIVE MATTERS.

(a) PAY AND TRAVEL EXPENSES.—

(1) PROHIBITION OF PAY.—Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council.

(2) TRAVEL EXPENSES.—

(A) COMPENSATION FOR TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council, to the extent funds are available under subparagraph (B) for such expenses.

(B) LIMIT ON TRAVEL EXPENSES.—Travel expenses under subparagraph (A) shall be appropriated from the amounts appropriated to the legislative branch and shall not exceed $1,000,000.

(b) STAFF.—The Chairperson of the Council may appoint and terminate, as may be necessary to enable the Council to perform its duties, not more than 5 staff personnel, all of whom shall be considered employees of the Senate.

SEC. 105. TERMINATION OF COUNCIL.

The Council shall terminate on September 30 of the second full fiscal year following the date of enactment of this Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,200,000 for each of fiscal years 2005 and 2006.

TITLE II—NATIONAL FOUNDATION FOR THE PREVENTION AND REDUCTION OF CHILDHOOD OBESITY

SEC. 201. ESTABLISHMENT AND DUTIES OF FOUNDATION.

(a) IN GENERAL.—There shall be established in accordance with this section a nonprofit private corporation to be known as the National Foundation for the Prevention and Reduction of Childhood Obesity (referred to in this title as the ''Foundation''). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support and carry out activities for the prevention and reduction of childhood obesity through school-based activities.

(c) ENDOWMENT FUND.—

(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Congressional Council on Childhood Obesity and the Department of Health and Human Services (referred to in this title as the ''Department'') and dedicated to the purpose described in such subsection. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), the Foundation may provide for the following with respect to the purpose described in such subsection:

(1) Evaluate and make known the effectiveness of model plans used by schools to reduce and prevent childhood obesity.

(2) Create a website to assist in the distribution of successful plans, best practices, and other information to assist elementary schools, middle schools, and the public to develop and implement efforts to reduce and prevent childhood obesity.

(3) Participate in meetings, conferences, courses, and training workshops.

(4) Assist in the distribution of data concerning childhood obesity.

(5) Make Challenge awards, pursuant to subsection (e), to elementary schools, middle schools, and local educational agencies for the successful development and implementation of school-based plans.

(6) Other activities to carry out the purpose described in subsection (b).

(e) CHALLENGE AWARDS.—

(1) PROGRAM AUTHORIZED.—The Foundation may provide Challenge awards to elementary schools, middle schools, and local educational agencies that submit applications under paragraph (2).

(2) APPLICATION.—Each elementary school, middle school, or local educational agency that desires to receive a Challenge award under this subsection shall submit an application that includes a plan to reduce and prevent childhood obesity to the Foundation at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

(3) SELECTION CRITERIA.—In the program authorized under paragraph (1), the Foundation shall provide Challenge awards based on—

(A) the success of the plans of the elementary schools, middle schools, and local educational agencies in meeting the plans' stated goals;

(B) the number of children in the community served by the elementary school, middle school, or local educational agency who are in need of assistance in addressing obesity; and

(C) other criteria as determined by the Foundation.

(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (referred to in this title as the ''Board''), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (referred to in this title as the ''Director''), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

(B) is, under subsection (a) of such section, exempt from taxation.

(g) BOARD OF DIRECTORS.—

(1) CERTAIN BYLAWS.—

(A) INCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

(ii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

(iii) Policies for the conduct of the general operations of the Foundation.

(iv) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

(B) EXCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

(i) reflect unfavorably upon the ability of the Foundation, or the Department, to carry out its responsibilities or official duties in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 7 individuals, appointed in accordance with paragraph (4), who collectively possess education or experience appropriate for representing the fields of children's health, nutrition, and physical fitness or organizations active in reducing and preventing childhood obesity. Each such individual shall be a voting member of the Board.

(B) GREATER NUMBER.—The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be a greater number than the number specified in subparagraph (A).

(3) CHAIRPERSON.—The Board shall, from among the members of the Board, designate an individual to serve as the Chairperson of the Board (referred to in this subsection as the ''Chairperson'').

(4) APPOINTMENTS, VACANCIES, AND TERMS.—Subject to subsection (k) (regarding the initial membership of the Board), the following shall apply to the Board:

(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(h) CERTAIN RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—In carrying out subsection (f)(2), the Director shall carry out the following functions:

(1) Hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees.

(2) Accept and administer donations to the Foundation, and administer the assets of the Foundation.

(3) Establish a process for the selection of candidates for holding endowed positions under subsection (c).

(4) Enter into such financial agreements as are appropriate in carrying out the activities of the Foundation.

(5) Take such action as may be necessary to acquire patents and licenses for devices and procedures developed by the Foundation and the employees of the Foundation.

(6) Adopt, alter, and use a corporate seal, which shall be judicially noticed.

(7) Commence and respond to judicial proceedings in the name of the Foundation.

(8) Other functions that are appropriate in the determination of the Director.

(i) GENERAL PROVISIONS.—

(1) AUTHORITY FOR ACCEPTING FUNDS.—The Secretary of Health and Human Services (referred to in this title as the ''Secretary'') may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real or personal property from the Foundation for the purpose of aiding or facilitating the work of the Department. Funds may be accepted and utilized by the Secretary under the preceding sentence without regard to whether the funds are designated as general-purpose funds or special-purpose funds.

(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

(A) IN GENERAL.—The Secretary may accept, on behalf of the Federal Government, any voluntary services provided to the Department by the Foundation for the purpose of aiding or facilitating the work of the Department. In the case of an individual, the Secretary may accept the services provided under the preceding sentence by the individual for not more than 2 years.

(B) NON-FEDERAL GOVERNMENT EMPLOYEES.—The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation.

(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board may exercise any administrative or managerial control over any Federal employee.

(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Secretary specifying that the individual—

(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the Department, including standards under this Act, the Ethics in Government Act of 1978 (5 U.S.C. App.), and the Federal Technology Transfer Act of 1986 (Public Law 99–502; 100 Stat. 1785); and

(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Secretary determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

(A) any direct or indirect financial interest of the individual; or

(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

(6) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

(A) provide for biennial audits of the financial condition of the Foundation; and

(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(7) REPORTS.—

(A) IN GENERAL.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

(B) INCLUSIONS.—With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description, of all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

(C) PUBLIC INSPECTION.—The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

(8) LIAISONS.—The Secretary shall appoint liaisons to the Foundation from relevant Federal agencies, including the Office of the Surgeon General and the Centers for Disease Control and Prevention. The Secretary of Agriculture shall designate liaisons to the Foundation as appropriate.

(9) INCLUSION OF THE PRESIDENT'S COUNCIL.—The Foundation shall ensure that the President's Council on Physical Fitness is included in the activities of the Foundation.

(j) FEDERAL FUNDING.—

(1) AUTHORITY FOR ANNUAL GRANTS.—

(A) IN GENERAL.—The Secretary shall—

(i) for fiscal year 2005, make a grant to an entity described in subsection (k)(9) (relating to the establishment of a committee to establish the Foundation);

(ii) for fiscal years 2006 and 2007, make a grant to the committee established under such subsection, or if the Foundation has been established, to the Foundation; and

(iii) for fiscal year 2008 and each subsequent fiscal year, make a grant to the Foundation.

(B) RULES ON EXPENDITURES.—A grant under subparagraph (A) may be expended—

(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (k)(9) for the entity;

(ii) in the case of the committee established under subsection (k)(9), only for the purpose of carrying out the duties established in subsection (k) for the committee; and

(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

(C) RESTRICTION.—A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

(D) UNOBLIGATED GRANT FUNDS.—For the purposes described in subparagraph (B)—

(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 2005 that remains unobligated after the entity receiving the grant completes the duties established in subsection (k)(9) for the entity shall be available to the committee established under such subsection; and

(ii) any portion of a grant under subparagraph (A) made for fiscal year 2005 or 2006 that remains unobligated after such committee completes the duties established in such subsection for the committee shall be available to the Foundation.

(2) FUNDING FOR GRANTS.—

(A) IN GENERAL.—For the purpose of grants under paragraph (1), there is authorized to be appropriated $2,200,000 for each fiscal year.

(B) PROGRAMS OF THE DEPARTMENT.—For the purpose of grants under paragraph (1), the Secretary may for each fiscal year make available not more than $2,200,000 from the amounts appropriated for the fiscal year for the programs of the Department. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).

(3) CERTAIN RESTRICTION.—If the Foundation receives Federal funds for the purpose of serving as a fiscal intermediary between Federal agencies, the Foundation may not receive such funds for the indirect costs of carrying out such purpose in an amount exceeding 10 percent of the direct costs of carrying out such purpose. The preceding sentence may not be construed as authorizing the expenditure of any grant under paragraph (1) for such purpose.

(k) COMMITTEE FOR ESTABLISHMENT OF FOUNDATION.—

(1) IN GENERAL.—There shall be established, in accordance with this subsection and subsection (j)(1), a committee to carry out the functions described in paragraph (2) (referred to in this subsection as the ''Committee'').

(2) FUNCTIONS.—The functions referred to in paragraph (1) for the Committee are as follows:

(A) To carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this title (or any successor to this title), including such provisions as may be in effect pursuant to amendments enacted after the date of enactment of this Act.

(B) To ensure that the Foundation qualifies for and maintains the status described in subsection (f)(3) (regarding taxation).

(C) To establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (f)(3) and (g)(1).

(D) To provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

(E) To appoint the initial members of the Board in accordance with the requirements established in subsection (g)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the members so appointed—

(i) 2 shall be appointed to serve for a term of 3 years;

(ii) 2 shall be appointed to serve for a term of 4 years; and

(iii) 3 shall be appointed to serve for a term of 5 years.

(3) COMPLETION OF FUNCTIONS OF COMMITTEE; INITIAL MEETING OF BOARD.—

(A) COMPLETION OF FUNCTIONS.—The Committee shall complete the functions required in paragraph (1) not later than September 30, 2007. The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions have been completed.

(B) INITIAL MEETING.—The initial meeting of the Board shall be held not later than November 1, 2007.

(4) COMPOSITION.—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

(A) no fewer than 2 of the members shall have expertise in children's health, nutrition, and physical activity; and

(B) no fewer than 2 of the members shall have broad, general experience in nonprofit private organizations (without regard to whether the individuals have experience in children's health, nutrition, and physical activity).

(5) CHAIRPERSON.—The Committee shall, from among the members of the Committee, designate an individual to serve as the Chairperson of the Committee.

(6) TERMS; VACANCIES.—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed by the Secretary to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(7) COMPENSATION.—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

(8) COMMITTEE SUPPORT.—The Secretary may, from amounts available to the Secretary for the general administration of the Department, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Director may both detail employees and contract for assistance.

(9) GRANT FOR ESTABLISHMENT OF COMMITTEE.—

(A) IN GENERAL.—With respect to a grant under paragraph (1)(A)(i) of subsection (j) for fiscal year 2005, an entity described in this paragraph is a private nonprofit entity with significant experience in children's health, nutrition, and physical activity. Not later than 180 days after the date of enactment of this Act, the Secretary shall make the grant to such an entity (subject to the availability of funds under paragraph (2) of such subsection).

(B) CONDITIONS.—The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

(C) AGREEMENT.—The Secretary may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Secretary determines to be necessary to carry out this paragraph.

By Mr. CONRAD:

S. 2552. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public works.

Mr. CONRAD. Madam President, I am introducing the Water Infrastructure Revitalization Act, which authorizes $60 million through the U.S. Army Corps of Engineers to assist communities in North Dakota with water supply and treatment projects.

Imagine if you went to turn on your kitchen faucet one day and no water came out. This scenario became true for thousands in the communities of Fort Yates, Cannonball, and Porcupine just days before Thanksgiving last year. The loss of drinking water forced the closure of schools, the hospital and tribal offices for days. About 170 miles upstream, the community of Parshall faces similar water supply challenges as the water level on Lake Sakakawea continues to drop, leaving its intake high and dry. These and other communities in the State have faced significant expenditures in extending their intakes to ensure a continued supply of water. In addition, the city of Mandan faces the prospect of constructing a new horizontal well intake because changes in sediment load and flow as a result of the backwater effects of the Oahe Reservoir have caused significant siltation problems that restrict flow into the intake. These examples barely scratch the surface of the problems faced by many North Dakota communities in maintaining a safe, reliable water supply.

Since 1999, the Corps of Engineers has been authorized to design and construct water-related infrastructure projects in several different States including Wisconsin, Minnesota and Montana. The State of North Dakota confronts water infrastructure challenges that are just as difficult as those in these other States. In fact, many of these challenges are caused directly by the Corps of Engineers' operations of the Missouri River dams. As a result, it is only appropriate that the Corps be part of the solution to North Dakota's water needs.

The Water Infrastructure Revitalization Act would provide important supplemental funding to assist North Dakota communities with water-related infrastructure repairs. Under the Act, communities could use the funding for wastewater treatment, water supply facilities, environmental restoration and surface water resource protection.

Projects would be cost shared, with 75 percent Federal funding and 25 percent non-Federal in most instances. However, the bill reduces the financial burden on local communities if necessary to ensure that water rates do not exceed the national affordability criteria developed by the Environmental Protection Agency.

This bill is not intended to compete with or take away funds for the construction of rural water projects under the Dakota Water Resources Act. Instead, it is meant to provide important supplemental funding for communities that are not able to receive funding from the Dakota Water Resources Act. I am pleased that the North Dakota Rural Water Systems Association has recognized the need for additional water project funding and endorsed this bill. It is my hope that this authorization will be included as part of the Water Resources Development Act that will be considered this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 385—RECOGNIZING AND HONORING THE 40TH ANNIVERSARY OF CONGRESSIONAL PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

Mr. KENNEDY (for himself, Ms. MIKULSKI, Ms. CANTWELL, Mr. LEVIN, Mr. BINGAMAN, Mr. CORZINE, Mr. LIEBERMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. DASCHLE, Mr. BYRD, Mr. MILLER, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 385

Whereas 2004 marks the 40th anniversary of congressional passage of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

Whereas the Civil Rights Act of 1964 was the result of decades of struggle and sacrifice of many Americans who fought for equality and justice;

Whereas generations of Americans of every background supported Federal legislation to eliminate discrimination against African-Americans;

Whereas a civil rights movement developed to achieve the goal of equal rights for all Americans;

Whereas President John F. Kennedy, on June 11, 1963, proposed in a nationally televised address that Congress pass civil rights legislation to address the problem of invidious discrimination;

Whereas a broad coalition of civil rights, labor, and religious organizations created national support for civil rights legislation, culminating in a 1963 march on Washington;

Whereas during consideration of the legislation involved, Congress added a historic prohibition against discrimination based on sex;

Whereas Congress passed the Civil Rights Act of 1964, and President Lyndon Johnson signed the Act into law on July 2, 1964;

Whereas the Civil Rights Act of 1964, among other things, prohibited the use of Federal funds in a discriminatory fashion, barred unequal application of voter registration requirements, encouraged the desegregation of public schools and authorized the Attorney General to file suits to force the desegregation, banned discrimination in hotels, motels, restaurants, theaters, and all other places of public accommodation engaged in interstate commerce, and established the Equal Employment Opportunity Commission;

Whereas title VII of the Act not only prohibited discrimination by employers on the basis of race, color, religion, and national origin, but sex as well, thereby recognizing the national problem of sex discrimination in the workplace;

Whereas Congress has amended the Civil Rights Act of 1964 from time to time, with major changes that strengthened the Act;

Whereas the amendments made to the Act by the Equal Employment Opportunity Act of 1972 made changes that, among other things, gave the Equal Employment Opportunity Commission litigation authority, thereby giving the Commission the right to sue nongovernment respondents, made State and local governments subject to title VII of the Civil Rights Act of 1964, made educational institutions subject to title VII of the Act, and made the Federal Government subject to title VII, thereby prohibiting Federal executive agencies from discriminating on the basis of race, color, religion, sex, and national origin;

Whereas the amendments made to the Act and other civil rights legislation amended or added by the Civil Rights Act of 1991 clarified congressional intent regarding the Civil Rights Act of 1964 (in light of several contrary Supreme Court decisions rendered in the late 1980s) and allowed for the recovery of fees and costs in lawsuits in which the plaintiffs prevailed, for jury trials, and for the recovery of compensatory and punitive damages in intentional employment discrimination cases, and also expanded title VII protections to include congressional and high level political appointees; and

Whereas the Civil Rights Act of 1964 is the most comprehensive civil rights legislation in the Nation's history: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This Act may be cited as the "_____ Act of _____".That the Senate—

(1) recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964;

(2) applauds all persons whose support and efforts led to passage of the Civil Rights Act of 1964; and

(3) encourages all Americans to recognize and celebrate the important historical milestone of the congressional passage of the Civil Rights Act of 1964.

SENATE RESOLUTION 386—RECOGNIZING THE 40TH ANNIVERSARY OF JUNE 21, 1964, THE DAY CIVIL RIGHTS ORGANIZERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER GAVE THEIR LIVES IN THE STRUGGLE TO GUARANTEE THE RIGHT TO VOTE FOR EVERY CITIZEN OF THE UNITED STATES, AND ENCOURAGING ALL AMERICANS TO OBSERVE THE ANNIVERSARY OF THE DEATHS OF THE 3 MEN BY COMMITTING THEMSELVES TO ENSURING EQUAL RIGHTS, EQUAL OPPORTUNITIES, AND EQUAL JUSTICE FOR ALL PEOPLE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote;

Whereas on June 21, 1964, after leaving the scene of a firebombed church in Longdale, Mississippi, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Klu Klux Klan who opposed their efforts to establish equal rights for African Americans;

Whereas June 21, 2004, is the 40th anniversary of the day Andrew Goodman, James Chaney, and Michael Schwerner sacrificed their lives in the fight against racial and social injustice while working to guarantee the right to vote for every citizen of the United States;

Whereas the deaths of the 3 men brought attention to the struggle to guarantee equal rights for African Americans, which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241) and the Voting Rights Act of 1965 (Public Law 89–110, 79 Stat. 437);

Whereas the courage and sacrifice of Andrew Goodman, James Chaney, and Michael Schwerner should encourage all citizens, and especially young people, of the United States to dedicate themselves to the ideals of freedom, justice, and equality; and

Whereas citizens throughout the United States will commemorate the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner to honor the contributions they made to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all people of the United States to observe the anniversary of the deaths of the 3 men by committing themselves to the fundamental principles of freedom, equality, and democracy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3459. Mr. BINGAMAN 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 3460. Mr. WARNER proposed an amendment to amendment SA 3459 proposed by Mr. BINGAMAN to the bill S. 2400, supra.

SA 3461. Mr. WARNER (for Mr. MCCAIN (for himself and Mr. WARNER)) proposed an amendment to amendment SA 3197 proposed by Mr. DAYTON (for himself and Mr. FEINGOLD) to the bill S. 2400, supra.

SA 3462. Mr. HARKIN (for himself and Mr. HATCH) proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, supra.

SA 3463. Mr. DURBIN proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, supra.

TEXT OF AMENDMENTS

SA 3459. Mr. BINGAMAN 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:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of persons held by the Department of Defense for more than 30 days and on the facilities in which such persons are held.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department for more than 30 days during the 6-month period ending on the date of such report, including the following:

(A) The total number of such detainees in the custody of the Department at any time during such period.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees in the custody of the Department as of the date of such report.

(D) The total number of detainees released from the custody of the Department during such period.

(E) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(F) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period.

(2) For each foreign national detained by the Department of Defense during the six-month period ending on the date of such report the following:

(A) The name.

(B) The nationality.

(C) The place at which taken into custody.

(D) The circumstances of being taken into custody.

(E) The place of detention.

(F) The current length of detention or, if released, the duration of detention at the time of release.

(G) A categorization as a military detainee or civilian detainee.

(H) The intentions of the United States Government on such detainee, including whether or not the United States will—

(i) continue to hold such detainee with justification;

(ii) repatriate such detainee; or

(iii) charge such detainee with a crime.

(I) The history, if any, of transfers of such detainee among detention facilities, including whether or not such detainee been detained at other facilities and, if so, at which facilities and in what locations.

(3) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) FORM OF REPORT.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3460. Mr. WARNER proposed an amendment to amendment SA 3459 proposed by Mr. BINGAMAN 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of detainees held by the Department of Defense and on the facilities in which such detainees are held. The report may be submitted in classified form.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department as of the date of such report.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees released from the custody of the Department during such period.

(D) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(E) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period, and the identity of each such country.

(2) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3461. Mr. WARNER (for Mr. MCCAIN (for himself and Mr. WARNER)) proposed an amendment to amendment SA 3197 proposed by Mr. DAYTON (for himself and Mr. FEINGOLD) 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:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2539c. Waiver of domestic source or content requirements

''(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) in a foreign country that has a Declaration of Principles with the United States;

''(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

''(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components

and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

''(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

''(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

''(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Sections 7309 and 7310 of this title.

''(4) Section 2533a of this title.

''(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

''(i) DECLARATION OF PRINCIPLES.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

''(A) harmonization of military requirements and acquisition processes;

''(B) security of supply;

''(C) export procedures;

''(D) security of information;

''(E) ownership and corporate governance;

''(F) research and development;

''(G) flow of technical information; and

''(H) defense trade.

''(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

''2539c. Waiver of domestic source or content requirements.''.

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SA 3462. Mr. HARKIN (for himself and Mr. HATCH) proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 717. SENSE OF THE SENATE CONCERNING SERIOUS ADVERSE EVENT REPORTS.

(a) DEFINITION.—In this section, the term ''dietary supplement'' has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Food and Drug Administration should make it a priority to fully and effectively implement the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417, 21 U.S.C. 321 note), including taking appropriate enforcement action against unsafe dietary supplements;

(2) not more than 180 days after the date of enactment of this section, the Department of Health and Human Services should develop a plan for mandatory reporting of serious adverse events occurring as the result of the ingestion of any dietary supplement or over-the-counter drug and provide that plan for review and consideration by Congress; and

(3) adequate resources should be made available for the effective oversight of dietary supplements and for sound scientific research on dietary supplements.

SA 3463. Mr. DURBIN proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN 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:

At the end of the amendment, insert the following:

(d) This section becomes effective upon enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 21, 2004 at 10:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 21, 2004 at 3 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DAYTON. Madam President, I ask unanimous consent that floor privileges for the purposes of discussing my amendment be given to my aide, Walter Zampella.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that Eileen Mozinski of my staff be granted the privilege of the floor for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that Russell Ponder, a legislative fellow in my office, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

40TH ANNIVERSARY OF PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

40TH ANNIVERSARY OF JUNE 21, 1964

Mr. KYL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385 and S. Res. 386, which were submitted earlier today.

The PRESIDING OFFICER. Without objection, the clerk will report the resolutions by title, en bloc.

The assistant legislative clerk read as follows:

A resolution (S. Res. 385) recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

A resolution (S. Res. 386) recognizing the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States, and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. KYL. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, all en bloc, and that any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 385 and S. Res. 386) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 385

Whereas 2004 marks the 40th anniversary of congressional passage of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

Whereas the Civil Rights Act of 1964 was the result of decades of struggle and sacrifice of many Americans who fought for equality and justice;

Whereas generations of Americans of every background supported Federal legislation to eliminate discrimination against African-Americans;

Whereas a civil rights movement developed to achieve the goal of equal rights for all Americans;

Whereas President John F. Kennedy, on June 11, 1963, proposed in a nationally televised address that Congress pass civil rights legislation to address the problem of invidious discrimination;

Whereas a broad coalition of civil rights, labor, and religious organizations created national support for civil rights legislation, culminating in a 1963 march on Washington;

Whereas during consideration of the legislation involved, Congress added a historic prohibition against discrimination based on sex;

Whereas Congress passed the Civil Rights Act of 1964, and President Lyndon Johnson signed the Act into law on July 2, 1964;

Whereas the Civil Rights Act of 1964, among other things, prohibited the use of Federal funds in a discriminatory fashion, barred unequal application of voter registration requirements, encouraged the desegregation of public schools and authorized the Attorney General to file suits to force the desegregation, banned discrimination in hotels, motels, restaurants, theaters, and all other places of public accommodation engaged in interstate commerce, and established the Equal Employment Opportunity Commission;

Whereas title VII of the Act not only prohibited discrimination by employers on the basis of race, color, religion, and national origin, but sex as well, thereby recognizing the national problem of sex discrimination in the workplace;

Whereas Congress has amended the Civil Rights Act of 1964 from time to time, with major changes that strengthened the Act;

Whereas the amendments made to the Act by the Equal Employment Opportunity Act of 1972 made changes that, among other things, gave the Equal Employment Opportunity Commission litigation authority, thereby giving the Commission the right to sue nongovernment respondents, made State and local governments subject to title VII of the Civil Rights Act of 1964, made educational institutions subject to title VII of the Act, and made the Federal Government subject to title VII, thereby prohibiting Federal executive agencies from discriminating on the basis of race, color, religion, sex, and national origin;

Whereas the amendments made to the Act and other civil rights legislation amended or added by the Civil Rights Act of 1991 clarified congressional intent regarding the Civil Rights Act of 1964 (in light of several contrary Supreme Court decisions rendered in the late 1980s) and allowed for the recovery of fees and costs in lawsuits in which the plaintiffs prevailed, for jury trials, and for the recovery of compensatory and punitive damages in intentional employment discrimination cases, and also expanded title VII protections to include congressional and high level political appointees; and

Whereas the Civil Rights Act of 1964 is the most comprehensive civil rights legislation in the Nation's history: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This Act may be cited as the "_____ Act of _____".That the Senate—

(1) recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964;

(2) applauds all persons whose support and efforts led to passage of the Civil Rights Act of 1964; and

(3) encourages all Americans to recognize and celebrate the important historical milestone of the congressional passage of the Civil Rights Act of 1964.

S. RES. 386

Whereas Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote;

Whereas on June 21, 1964, after leaving the scene of a firebombed church in Longdale, Mississippi, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Klu Klux Klan who opposed their efforts to establish equal rights for African Americans;

Whereas June 21, 2004, is the 40th anniversary of the day Andrew Goodman, James Chaney, and Michael Schwerner sacrificed their lives in the fight against racial and social injustice while working to guarantee the right to vote for every citizen of the United States;

Whereas the deaths of the 3 men brought attention to the struggle to guarantee equal rights for African Americans, which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241) and the Voting Rights Act of 1965 (Public Law 89–110, 79 Stat. 437);

Whereas the courage and sacrifice of Andrew Goodman, James Chaney, and Michael Schwerner should encourage all citizens, and especially young people, of the United States to dedicate themselves to the ideals of freedom, justice, and equality; and

Whereas citizens throughout the United States will commemorate the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner to honor the contributions they made to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all people of the United States to observe the anniversary of the deaths of the 3 men by committing themselves to the fundamental principles of freedom, equality, and democracy.

PROVIDING FOR THE TRANSFER OF THE NEBRASKA AVENUE NAVAL COMPLEX

Mr. KYL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. R. 4322, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H. R. 4322) to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

HOMELAND SECURITY HEADQUARTERS

Mr. LIEBERMAN. Madam President, I rise in support of H.R. 4322, a bill to transfer the Nebraska Avenue complex property from the Navy to the General Services Administration, GSA, for use by the Department of Homeland Security, DHS, for its headquarters operations. One of the many exigencies surrounding the creation of DHS was the need to quickly find suitable space for the Department's operations. While many of the component agencies could—at least temporarily—remain in their current locations, there had to be new space for the Department's leadership and new programs. The Navy had previously been providing space at the Nebraska Avenue complex to the President's Office of Homeland Security, and the administration subsequently decided that the site should be used as a headquarters for the new Department for the immediate future. DHS already has some of its headquarters operations at the site, and plans to move additional staff to the property once the Navy has finished moving out. It is vital that DHS be able to move ahead with consolidating its headquarters operations and renovating the complex to meet its needs. It is also critical that the Navy be fairly compensated and that its displaced operations be able to move into new facilities. This legislation will allow all this to take place. This legislation formalizes the transfer of the property and provides for a payment mechanism for the Navy's temporary and permanent relocation costs. GSA, in keeping with its traditional responsibilities, will own the property and manage it for DHS, which shall be a tenant there.

There has been a question about precisely how, under this legislation, to provide payment to the Navy, and which parties should bear which costs. Therefore, I am pleased to submit for the RECORD a letter from Joshua Bolten, Director of the Office of Management and Budget, that specifically clarifies this issue. DHS shall provide the Navy with compensation for its initial moving and interim relocation costs for the first year. This amount is already budgeted for fiscal year 2005. Meanwhile, OMB has agreed that GSA is the proper entity to supply funds to compensate the Navy for permanent relocation expenses. This legislation will allow GSA to provide those funds and, as this letter specifically makes clear, OMB pledges that it, on behalf of the Administration, will request adequate funds in the GSA budget after the first year for GSA to do so. This responds to my concern that forcing DHS to pay an undue share of the Navy's relocation expenses would dangerously burden

limited resources for critical homeland security programs. I appreciate the OMB's and the Administration's efforts in clarifying its intentions on this matter.

Mr. BYRD. Madam President, I share the Senator's concern that the bill that is before us requires a nondefense agency to pay for the permanent relocation of the Navy. Homeland security dollars are scarce. The Department of Homeland Security should not be forced to use dollars that should be used for securing our ports or for securing our mass transit systems to pay for a new Navy facility. With the Senator's cooperation, we have asked for a commitment from the administration that these costs will be requested through the General Services Administration, which will own the property, rather than the Department of Homeland Security. I am pleased that the Administration has provided this assurance.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the letter on this matter from Joshua Bolten, Director of the Office of Management and Budget, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 17, 2004.

HON. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The purpose of this letter is to explain the Administration's plan to transfer administrative jurisdiction of the Nebraska Avenue Complex (NAC) from the Navy to the General Services Administration (GSA) so that the facility can be used to house the consolidated headquarters of the Department of Homeland Security (DHS).

Once the Congress allows GSA to take control of the property, the Navy will relocate its operations from the NAC to other facilities. Based on long-standing Comptroller General opinions, the Department of Homeland Security will reimburse the Navy for its initial move to a replacement facility and the first year of rent at that new location. Combined, the first-year costs are estimated at $26 million. This amount has been requested in the FY 2005 DHS budget and is included in the appropriations bills for the Department of Homeland Security currently under consideration by the House and Senate.

After the Navy's first year of occupancy at its new location, GSA will be responsible to reimburse the Navy for acquisition of an subsequent moves to permanent facilities. Once estimates are developed for these costs, the Administration plans to request the funding in future budgets through the GSA Federal Buildings Fund.

Consolidating the headquarters operations of DHS is necessary to ensure the DHS can efficiently execute its mission to protect the American people from terrorist attack. To that end, the Administration has proposed legislation that would authorize the Navy to transfer the NAC to GSA and authorize the relocation of Navy personnel. H.R. 4322, as passed by the House of Representatives, would accomplish these goals, and we look forward to working with the Senate to enact this legislation as quickly as possible.

Sincerely,

JOSHUA B. BOLTEN,
Director.

Mr. KYL. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 4322) was read the third time and passed.

CORRECTIONS IN ENROLLMENT OF S. 2238

Mr. KYL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 458, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 458) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KYL. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 458) was agreed to.

ORDERS FOR TUESDAY, JUNE 22, 2004

Mr. KYL. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, June 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 403, S. 2400, the Department of Defense authorization bill, as provided under the previous order; provided further that the previous order be modified so all first-degree amendments be offered by 6:30 with the exception of those amendments cleared by both managers.

I further ask consent that the Senate recess for the weekly party luncheons from 12:30 p.m. until the completion of the official Senate photograph.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Tomorrow the Senate will resume consideration of the Defense authorization bill. Under the previous order, when the Senate resumes consideration of the Defense bill, there will be 1 hour of debate on the Levin missile defense amendment prior to a vote in relation to the amendment. Immediately following that vote, the Senate will proceed to a vote on the Brownback decency amendment. Therefore, Senators should expect back-to-back rollcall votes beginning close to 11 a.m.

For the remainder of the day, the Senate will continue to work through amendments to the bill under an agreement reached earlier this evening. All first-degree amendments must be offered by 6:30 p.m. tomorrow. Therefore, Senators who wish to offer an amendment to the Defense bill should contact the bill managers as soon as possible. In addition to votes on amendments, Senators can expect votes on judicial nominations as well. Finally, a late night session is expected as we move toward completion of the bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. KYL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:49 p.m., adjourned until Tuesday, June 22, 2004, at 9:45 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING ROBERT AND MARY ANN HENDERSHOT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. NEY. Mr. Speaker,

Whereas, Robert and Mary Ann Hendershot are devoted parishioners of the Antrim United Methodist Church;

Whereas, Robert and Mary Ann have been acknowledged by the Antrim United Methodist Church for 72 years of good attendance;

Whereas, Robert and Mary Ann should be commended for their excellence, for their devotion to God, and for their ongoing dedication to both their Church and their fellow parishioners; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Robert and Mary Ann for this outstanding accomplishment.

IN HONOR OF NANCY BASTIDAS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Nancy Bastidas upon her selection as the Girls Inc. "Strong, Smart and Bold Award Winner" in Delaware.

Girls Inc. is a nonprofit youth organization dedicated to inspiring our nation's young women to reach their goals. On this, its 50th Anniversary, I take great pride in honoring Girls Inc. and the wonderful young Delawareans who have achieved success through the guidance of this special program.

Ms. Bastidas is the founder, chairman, and chief executive officer of Delaware Hispanic, LLC. Throughout the years, she has worked to better the lives of young women by focusing on our Hispanic community. She is the founder of Delaware's first Hispanic Internet Magazine and the Delaware Latino Political Action Committee, and she is the publisher of the Delaware Hispanic Yellow Pages and the Delaware Hispanic Guide to Government. In addition, Ms. Bastidas is the owner of a small business and is working to obtaining her college degree, all while serving as wonderful inspiration to young women.

Mr. Speaker, I commend and congratulate Ms. Bastidas and Girls Inc. for their dedication to improving and enhancing the lives of women. Ms. Bastidas' involvement with Girls Inc. and her selflessness serves as an example to us all. She is an inspiring and exemplary Delawarean.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes:

Mr. BACA. Mr. Chairman, I rise in support of the Roybal-Allard amendment to the Homeland Security Appropriations bill. This amendment stops the privatization of nearly 1,500 employees that are critical to our Nation's security.

The American people depend on these federal employees to process, investigate, and adjudicate applications for immigration rights and benefits in a timely and thorough manner. They also weed out frivolous and fraudulent applications and identify criminals and terrorists attempting to abuse the process. These federal employees perform background checks and search classified databases to investigate people that want to enter our country.

Why do we want an unaccountable and low-bid contractor to have the power to allow another 9–11 by cutting corners or not reading all the background? We cannot allow the profit margin to exist in our commitment to homeland security! Why did we federalize airport security if we are going to fire the federal employees that prevent terrorists from getting into our country?

Another important reason why we need to stop privatization of these employees is because immigrants and their families depend on them to navigate through the complex maze of immigration laws and regulations. Immigration Information Officers, for instance, are the last remaining federal employees that help immigrants with legal advice. The toll free phone line, since it was privatized, has simply become a phone line that reads out internet based information. It would be hypocritical to punish immigrants for minor mistakes in their immigration, but deny them the legal advice necessary to comply with the law.

For the security of our Nation and to ensure immigrants get sound legal assistance, we must prevent the privatization of Immigration Information Officers, Contract Representatives, and Investigative Analysts.

I urge my colleagues to support the Roybal-Allard amendment.

A SALUTE TO MEDAL OF HONOR RECIPIENT WESLEY FOX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. WOLF. Mr. Speaker, it is my pleasure today to recognize the outstanding service of Colonel Wesley Fox, USMC (retired), of Front Royal, Virginia. Colonel Fox was one of only five Marines to receive the Medal of Honor for their valiant heroism during Operation Dewey Canyon in Vietnam and he was the only one who survived to wear it. A bronze plaque will be placed in the Warren County Courthouse on July 7 honoring Colonel Fox.

Raised in Front Royal with ambitions toward farming, Colonel Fox followed his cousins into the armed services at the onset of the Korean War. At the age of 18 he was thrust into intense fighting after only five months in the U.S. Marine Corps. Just nine months later, he was carried off the field of battle due to wounds that would alter his life plan. He would remain in the Marine Corps and over the following 16 years he worked his way through all the enlisted ranks to first sergeant.

Instead of taking the more conventional path of retirement, Colonel Fox chose to begin the climb through the officers' ranks. His tour of duty took him again to the battlefield of Vietnam as a first lieutenant. In Operation Dewey Canyon he led his 1st Battalion 9th Marines, called the "Walking Dead." Despite losing three quarters of his men and receiving several wounds, Colonel Fox continued to valiantly lead his troops. By the end of the war he would be awarded the Medal of Honor by President Nixon and would rise to the rank of captain.

Forced to retire at age 62 after an unprecedented 43 years of service, Colonel Fox continued to serve his country working with the Corps of Cadets at Virginia Polytechnic Institute. He had the unique distinction of working his way through every rank from private to colonel. Colonel Fox is a member of the United States Marine Corps Hall of Heroes.

Front Royal has the distinction of being the only town in the United States that has produced two Medal of Honor recipients. It is my honor and privilege to salute Colonel Fox and extend gratitude and congratulations to him as our country did 33 years ago with our Nation's highest award for military heroism. We say to him, "Semper Fi!"

A PROCLAMATION THANKING SPECIALIST FIRST CLASS LORI ANN PIESTEWA FOR HER SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. NEY. Mr. Speaker, Mr. RENZI and myself hereby offer our heartfelt condolences to

the family, friends, and community of Specialist First Class Lori Ann Piestewa upon the death of this outstanding soldier; and

Whereas, Specialist First Class Piestewa was a member of the 507th Ordnance Maintenance Company serving her great nation in the country of Iraq. She was a leader in her unit and is to be commended for the honor and bravery that she displayed while serving our nation in this time of war; and

Whereas, Specialist First Class Piestewa will be remembered for her unsurpassed sacrifice of self while protecting others. Her example of strength and fortitude will be remembered by all those who knew her; and

Therefore, we join with the family, friends and the citizens of our great nation in thanking Specialist First Class Lori Ann Piestewa of the United States Army for her service to our country. Your service has made us proud.

IN HONOR OF JOCELYN SAUNDERS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Jocelyn Saunders upon her selection as a Girls Inc. ''Strong, Smart and Bold Award Winner'' in Delaware.

Girls Inc. is a nonprofit youth organization dedicated to inspiring our nation's young women to reach for the stars. On this, its 50th Anniversary, I take great pride in honoring Girls Inc. and the wonderful young Delawareans who have achieved success through the guidance of this special program.

Ms. Saunders, a former All-American Swimmer, is an IronMan Triathlon and Women's World Championship in Marathon Swimming winner and is the youngest person to swim 32 miles across Lake Ontario. As a girls swim coach, Ms. Saunders uses her expertise in the sport to encourage young women to accomplish their goals. In addition, she has overcome critical injuries suffered in a car accident to serve as an outstanding volunteer and contributor of more than a quarter-million dollars to non-profit organizations.

Mr. Speaker, I commend and congratulate Ms. Saunders and Girls Inc. for their dedication to improving and enhancing the lives of women. Ms. Saunders' involvement with Girls Inc. and her selflessness serves as an example to us all. She is an inspiring and exemplary Delawarean.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes:

Mr. BACA. Mr. Chairman, I rise in support of the amendment by Representative JACKSON-LEE. We need to ensure that conferees discuss the issue of Homeland Security funding for minority institutions of higher learning.

Hispanic Serving Institutions and Community Colleges are crucial partners in our country's struggle to protect the homeland.

Mr. Chairman, there are 242 Hispanic Serving Institutions in this country, 79 in California alone.

We cannot ignore the HBCUs, HSIs and the 1,166 nationwide Community College systems in this country.

They have a unique and important role in serving our communities, especially in the area of research and development of homeland security-related programs and services.

Statistically, HSI's and Community Colleges receive significantly less government RFP awards than larger educational institutions.

This amendment would encourage the Appropriations conferees to consider adding language to the bill to ensure that HSI's and Community Colleges receive a fair share of government grants.

Mr. Chairman, this is an important issue to all minority-serving institutions in this country. I urge my colleagues to support this amendment.

A SALUTE TO WILLIAM R. WREN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. WOLF. Mr. Speaker, it is my pleasure today to recognize my friend and constituent, Mr. William R. Wren, on the occasion of his retirement from active service on the governing body of the City of Manassas Park, Virginia.

Bill's faithful service to the City of Manassas Park on the City Council, Potomac and Rappahannock Transportation Commission, Virginia Railway Express Board and many other organizations has helped guide the city through a time of overwhelming growth. Bill's involvement in the community and dedication to the City of Manassas Park for over 20 years has been invaluable.

However, the case could be made that Bill's most notable contributions have been to his wife Alice Jean Roy Wren of 36 years and their three children—David, Roy and Dean.

Though Bill's contributions will be missed, I know the people of the City of Manassas Park wish him the best as he now has the chance to have more time to spend with his family and especially his grandchildren.

It is my pleasure to honor the achievements of Bill Wren today as we recognize his dedicated public service career. On behalf of the people of Virginia's 10th Congressional District and the residents of the City of Manassas Park, I wish to thank and congratulate Bill for his exceptional contributions to the community.

A PROCLAMATION RECOGNIZING BONITA L. SHEPHERD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, Bonita L. Shepherd is a dedicated employee worthy of merit and recognition; and

Whereas, Bonita L. Shepherd has been acknowledged by the United States Government for her thirty years of faithful service; and

Whereas, Bonita L. Shepherd should be commended for her excellence, for her devotion to her work in the United States Capital Building; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Bonita L. Shepherd for her outstanding accomplishment.

IN HONOR OF ALICIA CLARK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Alicia Clark upon her selection as a Girls Inc. ''Strong, Smart and Bold Award Winner'' in Delaware.

Girls Inc. is a nonprofit youth organization dedicated to inspiring our nation's young women to reach their goals. On this, its 50th Anniversary, I take great pride in honoring Girls Inc. and the wonderful young Delawareans who have achieved success through the guidance of this special program.

Ms. Clark is the Vice-President and Interim President of the Metropolitan Wilmington Urban League, where she focuses on economic development and education for African Americans and other minorities. She has been involved in Girls Inc. for many years and was once the director of the Kiwanis Branch and the statewide director of programs and operations. Ms. Clark has done much to improve the lives of her fellow citizens and her hard work, enthusiasm, and commitment is much appreciated.

Mr. Speaker, I commend and congratulate Ms. Clark and Girls Inc. for their dedication to improving and enhancing the lives of women. Ms. Clark's involvement with Girls Inc. and her many years of devoted service to our community is an example to us all. She is an inspiring and exemplary Delawarean.

IN RECOGNITION OF AL JACKSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, the Reverend Al Jackson, pastor of Lakeview Baptist Church in Auburn, Alabama, celebrates his 25th year in service to the congregation this year. On July 4, the congregation will hold a special celebration to commemorate this milestone, and honor a man who has given so much back to our community.

Born on October 26, 1948 in Florala, Alabama, Samuel Alto Jackson, Jr. has lived a long and prolific life in the ministry. In 1971 he graduated from Samford University and went on to earn his Masters of Divinity at Southwestern Baptist Theological Seminary, and his Doctorate of Divinity from the Fuller Theological Seminary in 1985.

Reverend Jackson has served many congregations during his lengthy career, including First Baptist Church in Florala; First Baptist Church in Selma; Carolina Baptist Church in Andalusia; Bethel Heights Baptist Church in Gatesville, Texas; and since 1979, Lakeview Baptist Church in Auburn as its Pastor.

Reverend Jackson has also helped train ministerial students, and has served on the Board of Samford University. In addition, he has traveled around the world on mission trips, and is widely recognized in the Southern Baptist Convention for his teachings and his accomplishments.

Mr. Speaker, it is an honor to recognize Rev. Al Jackson on this important day, and I thank the House for their attention in honoring a man who has lived his life as a shining example for us all.

A PROCLAMATION RECOGNIZING SUSAN FRENO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. NEY. Mr. Speaker,

Whereas, Susan Freno is an exceptional individual worthy of merit and recognition;

Whereas, Susan Freno has been acknowledged by the Ohio Department of Rehabilitation as the 2004 Corrections Officer of the Year recipient, therefore, receiving the DRC Ronald C. Marshall Award;

Whereas, Susan Freno should be commended for her excellence, for her professionalism and integrity, and for her ongoing efforts to effect others lives in a positive and in a changing way; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Susan Freno for her outstanding accomplishment.

IN HONOR OF ANGENAÉ; MARIE ZAAHIR-BEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Angenaé Marie Zaahir-Bey upon her selection as the Girls Inc. ''Girl of the Year Award Winner'' in Delaware.

Girls Inc. is a nonprofit youth organization dedicated to inspiring our Nation's young women to reach their goals. On this, its 50th anniversary, I take great pride in honoring Girls Inc. and the wonderful young Delawareans who have achieved success through the guidance of this special program.

As this award demonstrates, Ms. Zaahir-Bey is a determined young woman who serves as a role model to all of her peers. She is an outstanding member of Girls Inc. and is always willing to help others—going above and beyond what is expected. Ms. Zaahir-Bey recently graduated from P.S. Dupont Elementary School and received a 3.9 grade point average for the year. In addition, she received the ''Young Brandywine Artist Award,'' high honors, and ''Reader of the Month'' in the Delaware Tech National M.S. Society Readathon.

Mr. Speaker, I commend and congratulate Ms. Zaahir-Bey and Girls Inc. for their dedication to improving and enhancing the lives of women. Ms. Zaahir-Bey's involvement with Girls Inc. and selflessness serves as an example to us all. She is an exemplary young Delawarean.

TO HONOR THE FALLEN FROM SOUTH FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor the heroes who have given their lives in our fight against world terrorism. Every generation of Americans has been asked to leave their farms and towns and cities so that freedom could be spread throughout the world. As a citizen of this great Nation, I honor the sacrifices of the military in Iraq, Afghanistan, and all over the world who have given their lives in the fight against terrorism, and those who before them paid the ultimate price for freedom.

Like their forefathers in World War II, Floridians who have fought in the name of freedom are selfless citizens who answered the call of duty. Among these are my husband Dexter Lehtinen, who served this country bravely in the Vietnam War, and my stepson, Aviator 1st Lieutenant Douglas Hooper Lehtinen, who is currently serving in the Marines. Special mention is due to honor the six soldiers from South Florida who lost their lives in our war against world terrorism. I, and all of the citizens in my district, am thankful for their service.

This Nation can never repay the debt owed to these six men; their honor and service, however, will never be forgotten. In Operation Enduring Freedom, South Florida lost Army Specialist Pedro Lazaro Pena-Suarez, who was 35 when he lost his life in Kuwait on November 7, 2002. During Operation Iraqi Freedom, we lost Marine Corporal Armando Ariel Gonzalez, who was 25 when he gave his life in Iraq on April 14, 2003. Army Private First Class Charles M. Sims was only 18 when he perished in Baghdad on October 3, 2003. Army Sergeant Edmond L. Randle was 26 when he gave his life in the north of Taji on January 17, 2004. Army 1st Lieutenant Christopher J. Kenny was 32 when he fell in Baghad on May 3, 2004, and Army Private First Class Jeremy Ricardo Ewing, who was 22, gave his life in Baghdad on April 29, 2004. Coast Guard Petty Officer 3rd Class Nathan B. Bruckenthal, 24, based in Opa Locka, perished on April 24, 2004 in the Northern Persian Gulf.

These men remind us that freedom is indeed not free. We must forever be vigilant to the rise of tyranny and be willing to fight it wherever it exists. We must never take for granted our democratic government. We must remember that in places like Cuba, North Korea, and Iran, human beings are still oppressed by horrible dictators. Let us fight these regimes until freedom rings in every nation of the world.

God bless all the men and women in our armed forces who have given their lives so that others may live in freedom.

FIFTIETH ANNIVERSARY OF BROWN V. BOARD

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. CLAY. Mr. Speaker, May 17, 2004 marked the fiftieth anniversary of the landmark ''Brown v. Topeka Board of Education'' decision ordering the desegregation of U.S. schools. This court ruling effectively denied the legal basis for segregation in Kansas and 20 other States with segregated schools and forever changed race relations in the United States. Brown v. Board laid the precedent for ending all segregation. Very few Supreme Court decisions have impacted our nation's history as much as Brown v. Board.

This important anniversary was celebrated in Topeka, Kansas with the formal opening of a new national park—the Brown v. Board National Historic Site at Topeka's once-segregated Monroe Elementary School. In conjunction with the fiftieth anniversary celebrations, Washburn University hosted an interdisciplinary academic conference, ''Telling the Story: Narrating Brown v. Board,'' May 18–20, 2004, and invited proposals for twenty-minute paper presentations on the full range of themes suggested by the Brown decision. Professor of History, Philip A. Grant, Jr. of Pace University was accepted to deliver his paper entitled ''Midwestern Press Reactions to the 1954 'Brown' Decision,'' at the conference ''Telling the Story: Narrating Brown v. Board'' at Washburn University in Topeka, Kansas on May 19, 2004.

Since the Supreme Court overturned Plessy v. Ferguson and declared an end to legal segregation, this country has made great progress, especially in the area of racial relations, but there is more work to be done. In order for us to continue to make this country a better place in which to live, we must remember the past. I believe that Professor Grant has brought to light the importance of Brown v. Board as seen by newspapers of the Midwest at the time of the decision. I ask that his entire paper be made a part of the RECORD so that all the American people, not just those who attended the conference last month, may have the benefit of his historical insight. [Paper recited at the ''Telling the Story: Narrating Brown v. Board'' conference at Washburn University, May 19, 2004]

MIDWESTERN PRESS REACTION TO THE 1954 ''BROWN'' DECISION

(By Philip A. Grant, Jr.)

On May 17, 1954 the United States Supreme Court issued its historic ''Brown v. Board of Education'' decision. In a unanimous opinion the nation's highest tribunal decreed segregation in public elementary and secondary schools unconstitutional. By every standard the ''Brown'' ruling ranked as one of the most significant developments in the long and eventful history of our federal court system. Indeed there is ample evidence to warrant the conclusion that the ''Brown'' decision generated more controversy than any previous Supreme Court verdict.

The ''Brown'' decision attracted prime news coverage throughout the Midwest, a twelve state region extending from Lake Erie in northeastern Ohio to the Kansas-Colorado line more than thirteen hundred miles to the West. Moreover, a substantial majority of midwestern newspapers opted to editorialize on the ''Brown'' ruling.

Among the daily publications printing editorials on the ''Brown'' decision were the Cleveland Plain Dealer, Cincinnati Enquirer, Detroit Free Press, Indianapolis Star, Chicago Tribune, Milwaukee Journal, Saint Louis Post-Dispatch, Kansas City Star, Des Moines Register, and Minneapolis Tribune. These newspapers circulated in ten of the Midwest's major population centers.

The Plain Dealer asserted that for a number of states ''a greater challenge in the form of 'thall shall not' could hardly have been issued than the Supreme Court ruling against Negro segregation in public schools.'' Convinced that the Supreme Court ''could not have ruled otherwise than it did on the basic issue,'' the Plain Dealer believed that the Negroes had ''earned the right to be treated as first-class citizens and earned it the hard way.''

Perceiving that the ''Brown'' decision ''probably will prove to be the most important judicial finding in the field of racial relations in our entire national history,'' the Enquirer ascertained that it would ''work profound changes in a substantial part of the United States—not confined to the South by any means.'' The Cincinnati newspaper concluded: ''What the justices have done is simply to act as the conscience of the American nation.''

The Free Press, definitely endorsing the thrust of the ''Brown'' decision, claimed that the people of the country ''who cherish the belief that the American system of democracy is a vital, living organic philosophy, steadily but inexorably, advancing toward the ideals of the founders of the Union, will be heartened by the unanimous opinion of the Supreme Court.'' While conceding that the ''Brown'' ruling would ''not of itself abolish prejudice nor raise all Americans to the exalter status of men created in the image of their maker,'' the Free Press maintained: ''But it does mark a step in that direction, a step toward fulfillment of man's dream that all men are created equal, and that under a more perfect government of laws they can attain to dignity and all its inherent rights.''

Extolling the Supreme Court for having upheld ''a vital principle of individual equality under the law,'' the Star argued that segregation was ''morally, practically and economically evil'' and denied ''the brotherhood of man upon which our whole form of constitutional government is based.'' While concerned that no provision of the Constitution granted the federal courts ''the right to establish or control educational systems,'' the Star contended:

''Morally, we believe the Supreme Court was right in calling for an end to segregation. It is fortunate that this decision was unanimous for the full authority of the court will carry great weight with the Southern states, who now oppose its view. We hope the states opposing this ruling will accept it in good spirit and earnestly try to meet its demands. We hope Federal authorities will give the states time, and sympathetic assistance in making this conversion. And we hope that any demagogue, white or colored, who tries to inflame public opinion by using this explosive issue will be properly rebuffed by the overwhelming majority of the good people in our states.''

While admitting that it was doubtful whether the South would abide by the court's decision, the Tribune was optimistic that the unanimous ruling ''should help a good deal to discourage resistance to the finding or attempts to evade its plain meaning.'' The Tribune, commending the Supreme Court for having ''struck down segregation in the public schools of the United States,'' declared:

''The principle established by this decision is not that anybody has to give up any of his prejudices, no matter how desirable it might be that he do so. The principle is the much simpler one that the state governments, north and south, must regard all men as created equal so far as opportunities at the disposal of the state are concerned. The idea may appear dangerously novel to some citizens, but the Supreme Court didn't invent it. Indeed, they can be said to have borrowed it from a distinguished Virginian named Thomas Jefferson.''

The Journal, analyzing the ''Brown'' ruling as the ''most far reaching court decision on the racial issue since emancipation,'' anticipated that the decision would ''revolutionize the school set-up in the South and, in effect, the racial relationships there are bound to be felt outside the classrooms.'' Surmising that the consequences of the ''Brown'' verdict would impact the entire country, the Journal stated:

''. . . It apparently knocked the last legal prop from any official discrimination against Negroes or other minority groups because of color, race or religion. It banishes any legal recognition of second class citizenship for the members of such groups.''

Impressed that the ''Brown'' ruling was unanimous and written in direct and persuasive language, the Milwaukee newspaper was pleased that there ''could be no doubt about the intent or the logic and reasoning supporting the decision.''

Feeling that there was ''no need to say just how important'' the ''Brown'' ruling was, the Post-Dispatch also emphasized that there was ''no point in explaining it today as the most momentous since the Dred Scott decision handed down almost a century ago, on the eve of the Civil War.'' The Post-Dispatch, pointing out that the substance of the ''Brown'' verdict was of ''transcendent importance,'' predicted that the decision would have its ''impact in one way or another on every community, in every city'' and ''in less time than we are apt to think around the world.''

The Star, recognizing that the ''Brown'' decision ''sets the goal'' of ending racial segregation in all public schools, stressed that the principle involved in the Supreme Court ruling ''now controls for the future'' and ''is the law of the land.'' Warning that there ''can be no cheating or blocking'' the objective proclaimed by the Supreme Court, the Star offered the following appraisal:

''The breakdown in segregation since World War II has come a step at a time and generally without friction. The Supreme Court's ruling basically is no more drastic than the trend of our times that produced it. Now that the principle is established the future calls for more of the good sense and understanding of racial problems that has generally prevailed.''

Praising the Supreme Court for having ''begun the erasure of one of American democracy's blackest marks,'' the Register rejoiced that the nation's ''basic law on public education has been brought into line with the ringing spirit of freedom and equality in the Declaration of Independence.'' While gratified that the ''Brown'' decision decreed that racial segregation constituted a denial of equal educational opportunities, the Register asserted:

''The Supreme Court decision will ease America's conscience. The strong cry of 'hypocrite' from colored folks all over the world has been heard in Des Moines and in Mobile. But America's conscience will not be cleared until her practice measures up to the noble words of the court decision.''

The Tribune, sensing that the ''Brown'' ruling would ''be welcomed and embraced by all who believe in the constitutional guarantee of equal rights meaning just that, and nothing less,'' suspected that the decision would ''echo far beyond our borders and may greatly influence our relations with dark-skinned people the world over.'' Concerned that the ''Brown'' verdict posed ''one troublesome immediate question,'' the Tribune asked: ''What will be done in the southern states where political leaders have been most militant in opposing the end of segregation?'' While wondering whether the political spokesmen of the South would ''persist in their attitudes,'' the Minneapolis newspaper was ''inclined toward the optimistic view.''

There was a consensus within the ranks of the major newspapers of the Midwest that the Supreme Court had acted wisely and responsibly in issuing the historic ''Brown'' ruling. While newspapers tended to analyze the ''Brown'' decision from somewhat different perspectives, they all agreed that the objective proposed by the Supreme Court was entirely consistent with the nation's long overdue quest for racial equality. In expressing their attitudes on an issue of overriding importance the daily publications of the Midwest were contributing to a dialogue with their readers and historians of the future.

RECOGNIZING BRIGADIER GENERAL STEPHEN J. CURRY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Brigadier General Stephen J. Curry will retire from the Army on June 28. BG Curry is currently serving as the Commandant of the United States Army Military Police School at Fort Leonard Wood, Missouri.

BG Curry's first major duty assignment came in October, 1972. He was assigned Tank Platoon Leader, B. Company, 6th Battalion, 32d Armor, 4th Infantry Division, at Fort Carson, Colorado. He stayed at Fort Carson through October, 1974, by which time he had attained the rank of 1st Lieutenant.

In 1978, then-Captain Curry attended the Military Police Officer Advanced Course at Fort McClellan, Alabama. Upon completion of the course he was assigned to Germany as Commander, 615th Military Police Company, 793d Military Police Battalion, VII Corps, United States Army Europe and Seventh Army.

Captain Curry continued his professional military education from August, 1982, through June, 1983, at the United States Army Command and General Staff College at Fort Leavenworth, Kansas. He followed this with a promotion to Major and consecutive duties at Fort Hood, Texas. In 1986, he moved to Washington, DC, to serve as Personnel Staff Officer for the United States Army Military Police Operations Agency. He went on to serve as Military Assistant in the Office of the Assistant Secretary of the Army for Installations and Logistics, during which time he was promoted to Lieutenant Colonel. He than went on to serve in Operation Desert Shield, Operation Desert Storm, and, as a Colonel, Operation Joint Endeavor.

Mr. Speaker, Stephen Curry was promoted to Brigadier General in August, 2000. His retirement ends the career of a recipient of the Legion of Merit, Bronze Star, Meritorious Service Medal, Army Commendation Medal, Army

Achievement Medal, and the Army Staff Identification Badge. I know my fellow Members of the House will join me in thanking him for his many years of service to his country and wish him all the best in the years to come.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. GIBBONS. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 267–271 on June 18, 2004. These votes were on amendments to H.R. 4567 and on final passage of H.R. 4567, Making Appropriations for the Department of Homeland Security for FY 2005. At the time these votes were called, I was in my Congressional District in Reno, Nevada with President Bush for his speaking engagement.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted: rollcall Vote No. 267, on the Jackson-Lee Amendment—"No"; rollcall Vote No. 268, on the DeLauro Amendment—"No"; rollcall Vote No. 269, on the Roybal-Allard Amendment—"No"; rollcall Vote No. 270, on the Tancredo Amendment—"Yes"; rollcall Vote No. 271, on the Maloney Amendment—"Yes"; rollcall Vote No. 272, on the Sabo Amendment—"No"; rollcall Vote No. 273, on the Markey Amendment—"No"; rollcall Vote No. 274, on the Velázquez Amendment—"No"; rollcall Vote No. 275, on Final Passage of H.R. 4567—"Yes".

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes:

Mr. MATSUI. Mr. Chairman, yesterday's CONGRESSIONAL RECORD reflects my vote as "Nay" on Rollcall Vote 266, Representative SWEENEY's amendment to Department of Homeland Security Appropriations Act for Fiscal Year 2005. I would like to state for the Record that my vote should have been "Yea."

Representative SWEENEY's amendment would increase funding to Urban Area Security Initiative, which provides discretionary grants to high-threat, high-density urban areas, providing that program with $1.45 billion. This initiative will significantly enhance the ability of urban areas to prevent, deter, and recover from threats and incidents of terrorism. This program is essential for urban cities like Sacramento, California to address its unique security challenges as a large urban area. Right now funds previously directed from this initiative are being used to protect high-risk critical infrastructure facilities and to promote comprehensive regional coordination and planning. I strongly support this amendment that will increase the ability for urban areas to protect against the potential threats they face.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. RANGEL. Mr. Chairman, I rise today to express my disappointment about the rejection of several amendments offered to the Interior Appropriations Bill, which aimed at protecting the flora and fauna of our country. These amendments would at least have undone some of the harm the current administration has done to our environment since it has taken office.

It has always been the priority of this administration to serve special industrial interests and not to preserve the natural beauties of our country. Clean rivers and oceans, healthy forests, fresh air and a diverse wildlife have not been of any concern to this executive and the Bush Presidency has thereby rightly been called the most anti-environmental one in the modern era by several grassroots organizations.

The New York Times, in an editorial published two days ago, called upon the House of Representatives "to partly redeem itself" from its failures to hinder the anti-environmental policies of the President and to endorse stricter environmental policies by passing several amendments to the Interior Appropriations Bill. Unfortunately, the House missed this opportunity for redemption.

A majority of 224 members rejected Representative RUSH HOLT's amendment prohibiting the use of funds to permit recreational snowmobile use in Yellowstone and Grand Teton National Park. Visitors go to our national parks to experience the miracles of nature and to find quietness and relaxation. Snowmobiles not only pollute the environment, but they also disturb humans and wildlife alike. I do not understand why so many Members of the House decided to vote against this amendment, which benefits for our environment and our citizens so heavily outweigh the sacrifice of not being able to ride a snowmobile in these particular parks.

I was also dismayed that a majority of my colleagues decided to vote against an amendment offered by Representative MAURICE HINCHEY to stop the killing of buffalos in Yellowstone National Park. The slaughter of these gracious animals is not only cruel but also expensive for American taxpayers. The National Park Service currently spends $1.2 million a year to kill buffalos only because they do exactly as their instinct tells them: They migrate. They get killed because they do not observe state borders and dare to cross from Wyoming to Montana during the winter. They get killed under the premise that they transmit diseases to cattle—a thesis that has never been confirmed and for some reason is a concern to farmers in Montana, but not to farmers in Wyoming.

Another amendment benefiting the health of our environment was offered by Representative TOM UDALL and again defeated. It would have prohibited the use of funds for the implementation of the Forest's Service new planning regulations. These regulations, which have been proposed by the administration in 2002, will substantially weaken the protection of our nation's wildlife and natural resources and reduce public participation in the environmental decision-making process.

Representative NICK RAHALL made an effort to present the interests of Native Americans in this country by offering an amendment protecting their sacred sites located on federal lands from energy development and other exploitation. The Native Americans in this country have undergone and are still suffering from discrimination and poverty. Representative RAHALL's amendment would at least have ensured that the holiest sites of the tribes are not further destroyed by capitalist interests. NICK RAHALL asked us, the Members of the House, how we would feel if open-pit mining was allowed in Arlington Cemetery or bulldozers leveled down the Wailing Wall in Jerusalem to build a highway. Only imagining these scenarios give me feelings of grief and anger. But just these things have happened to sacred sites of the Native Americans and it is a disgrace that so many members voted against Representative RAHALL's amendment to stop this evil.

But I am happy that at least one strong environmental amendment to the Interior Appropriations Bill was passed by the House of Representatives. This was Representative STEVE CHABOT's amendment to prohibit the use of funds to plan or construct forest development roads in the Tongass National Forest in Alaska. Last year, the Bush administration announced to completely eliminate the Roadless Area Conservation Rule's protection for the Tongass National Forest in Alaska and to severely weaken the rule everywhere else in the National Forest System. The Tongass National Forest is a national heritage. It is the largest forest our nation has and the biggest intact temperate rainforest worldwide. The exemption of "America's Rainforest" from the roadless protection rule was another present of the Bush administration to big industrial interests, in this case timber logging companies and was paid for by the American taxpayers.

Representative CHABOT's amendment will only restrict the construction of roads that are subsidized by American taxpayers and not those paid for by the timber industry. I do not think that this amendment goes far enough to sufficiently protect this pristine forest, but I think it is a step into the right direction.

I sincerely hope, that those Members of the House of Representatives who have voted against the aforementioned amendments will wake up and recognize that an environment once destroyed will not be easy and mostly impossible to restore. I hope that they will remember that there will be future generations who need clean air and water, healthy oceans and forests and a diverse wildlife not only for their enjoyment, but for their survival.

HONORING THE FALLEN SOLDIERS OF SOUTH TEXAS, DISTRICT 28

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. RODRIGUEZ. Mr. Speaker, I am honored to join with my colleagues in this, the People's House, to observe a moment of silence for those who have fallen on the battlefield in Iraq. These brave men and women answered the call to duty, set forth to foreign lands, and died in defense of our basic values. As they gave their lives to promote democracy, let's recommit ourselves here at home, in their memory, to promote liberty for all in this great land of ours and across the globe.

Our hearts go out to the families of those who have fallen, to their parents, children, spouses and friends. They made the ultimate sacrifice. We must never forget that sacrifice and that made by their loved ones.

Today, I recognize three fallen soldiers from my district in South Texas: SPC Jose Amancio Perez, III, U.S. Army, of San Diego, Texas; Lance Corporal Ruben Valdez, Jr., U.S. Marine Corps, of San Diego, Texas and Sergeant Michael Paul Barrera, U.S. Army, of Von Ormy, Texas.

They embodied the fighting spirit of Texas and their commitment to the United States of America will never be forgotten. I thank their families for allowing their sons to serve our great Nation and ask that they and their sons be remembered in thoughts and prayers.

RECOGNIZING PARTICIPANTS IN NATIONAL FORENSIC LEAGUE NATIONAL DEBATE TOURNAMENT

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. BISHOP of Utah. Mr. Speaker, as the final day of competition for the National Forensic League National Debate Tournament concludes, I would like to recognize the students, coaches, and judges who have participated in this year's event. The Beehive Nationals Tournament is the culmination of a year-long effort in preparation, practice, and persistence. Every competitor at the event has already proven his or her superior debate and speech skills by their excellent performances at State and regional qualifying tournaments. Furthermore, while other high school students got an early start on summer jobs, vacationed, or celebrated the break from school, NFL students put in 12-hour days to compete in Student Congress, Lincoln-Douglas, Policy, International Public Forum Debates and other individual speech and drama competitions.

The National Forensic League was founded in 1925. The first national high school speech tournament was held in 1930; 49 schools from 17 States participated. The majority of the rules that governed the tournament in 1930 are still in effect today, providing one of the longest running national competitions for high school students. Approximately one million high school students have been members of the NFL since 1925, and over 30,000 high school students participate in NFL-certified events every year.

As a former high school debate coach, I had the wonderful opportunity to participate in the National Forensic League with my students at several national debate tournaments. Also, I know what a massive undertaking it is to plan and carry out a national debate tournament. In 1981, I was on the host committee under D.L. Smith of East High School, which organized that year's National Tournament in Salt Lake City. I applaud this year's host committee for the time and effort they have given to make this event a success. I also congratulate the efforts of the National Forensics League for providing students with the opportunity to expand their vision of the world through the development of public communication skills. I would also like to congratulate the teachers who often work after-hours, weekends, holidays, and summertime to coach their students. Finally, I would like to thank the students and their parents who have dedicated themselves to the acquisition of such important, beneficial and life-long skills. I encourage students to continue their search to become effective communicators. Good communication is the essence of leadership.

AVIATION COMPETITION IN RURAL AREAS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. RAHALL. Mr. Speaker, I read in this Saturday's Washington Post Business section an articled entitled, "US Airways Cuts Fares at National, Dulles." The article explains that the airlines are launching a fare war out of the Washington, DC area, which will result in great savings and travel options for air travelers. I naturally read this article with great interest, Mr. Speaker, because US Airways is a very important carrier at airports located in the Congressional District that I represent in Southern West Virginia.

Clearly, Mr. Speaker, the price reductions offered by US Airways and the other airlines are the result of competition. Unfortunately, these price reductions are not available to travelers who need them as much as—and maybe more than—any other air traveler. That is the air traveler in the rural areas and in the small cities. If the airlines had true competition in the rural areas and in the rural areas and in the small cities, ticket prices would be fairer. Instead, as is so often the case, the competition and the resulting discounts and travel options are only available in the large metropolitan areas.

As we recognized at the time of deregulation—and as we should recognize right now—we need to ensure that rural airports can continue to operate and provide much-needed air service and jobs. one primary program aimed at doing this is the Essential Air Service program (EAS). EAS is very important to rural airports, which have seen their air service and ridership fall dramatically over the years.

Recently, 2 airports in my district, Beckley and Bluefield, proved themselves eligible to receive EAS funding for the next 2 years. I can't overstate how badly this funding is needed to foster competition and ensure air service in that part of my State. Ever since we deregulated the airlines, we have been moving the rural areas farther and farther out of the mainstream for air travel. Furthermore, every time Congress appropriates money to the airlines, or establishes assistance such as the Air Transportation Stabilization Board, it is the rural communities that get overlooked.

While small communities in over 25 States rely on this Federal funding to help them manage through this time of economic distress at the State and local levels, the Bush Administration has consistently proposed to cut the EAS program by more than half. Likewise, Republicans want to make many rural and small communities pay a local share to qualify for EAS funding. But, Mr. Speaker, I submit that doing these things would greatly harm many local economies. Rather than further strapping the rural areas and small towns with costs that will further inhibit competition, we need to push policies that will increase air competition and provide cost-savings to travelers.

CELEBRATING THE OPENING OF WALDENBOOKS ON THE SOUTHSIDE OF SAN ANTONIO

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. RODRIGUEZ. Mr. Speaker, we all stress the value of education and reading, yet we sometimes overlook the challenges some communities face in accessing books and reading materials. The Southside of San Antonio, a largely Hispanic neighborhood, did not have a single bookstore—until today. I am proud to announce that WaldenBooks has arrived on the Southside, changing the face of our community for the better.

For years, community leaders and lay people have worked to attract a bookstore, and for years we received lots of excuses. That has now changed, thanks to the vision of WaldenBooks and the cooperative efforts of the owners of South Park Mall, community leaders, youth in the schools and area residents.

I would especially like to mention Cesar Rodriguez, General Manager of South Park Mall, and Beth Riebschlager, Marketing Manager for South Park Mall, who have been great advocates and have pursued this issue aggressively. Councilman Richard Perez, Councilman Ron Segovia and Cindy Taylor, President of the South San Antonio Chamber of Commerce, have lent unwavering support to this project. Books in the Barrio, the grassroots organization created by Marissa Ramirez, Astro Musquiz, Vickie Grise, Tim Duda and Ed Sonnen, have kept this issue in the front and center of all of our minds by hosting events at South Park Mall, as well as having petition drives and letter writing campaigns. I would especially like to thank Ken Bostic, Regional Director for this new Waldenbooks location, and TJ Jenson, Real Estate Manager for Waldenbooks, without whom none of this would be possible. My thanks also to Cindy Wirz of my staff who worked with the community leaders and organizations to support this great endeavor with me.

For many years the Southside community has struggled to improve access to educational resources for its residents. The residents of the area signed petitions, wrote letters, and brought their case to the media in the hopes of bringing a bookstore to the Southside. Being a resident of the Southside myself, I too have dreamed of the day when I would not have to drive outside of my community to purchase books, and now that day has thankfully arrived.

Waldenbooks, a subsidiary of Borders Group, Inc., has chosen to open a location in South Park Mall. Opened in 1968, South Park Mall has been a premiere shopping spot for South San Antonians. Now 95 percent occupied with both national and regional retailers, this is an ideal location for Waldenbooks, which will occupy 3,000 square feet and will offer over 20,000 books and periodical titles.

Having made the choice to locate to the Southside of San Antonio, Waldenbooks has chosen to invest in the residents of the area and the contiguous counties. Waldenbooks is determined to make an impact on the Southside and to be a good business partner by working directly with South Park Mall to create a children's program and a program for seniors.

Today marks the beginning of what I hope will be a continuing trend in the Southside of San Antonio. Waldenbooks will provide a greater access to books and thereby, a greater access to learning. Waldenbooks has shown their willingness to take a chance on the Southside of San Antonio and I urge all Southsiders to return the favor by being loyal customers.

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, June 22, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 23

9:30 a.m.

Armed Services

To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.

SH–216

Environment and Public Works

Business meeting to consider S. 2495, to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects, S. 2350, to establish the Long Island Sound Stewardship System, H.R. 2408, to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, H.R. 1572, to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse'', S. 2385, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse'', S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building, proposed Migratory Bird Treaty Reform Act, proposed legislation to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and the proposed Water Infrastructure Financing Act.

SD–406

10 a.m.

Finance

Business meeting to review and make recommendations on proposed legislation implementing the U.S.-Australia Free Trade Agreement.

SD–215

Foreign Relations

To hold hearings to examine the nominations of June Carter Perry, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, Joyce A. Barr, of Washington, to be Ambassador to the Republic of Namibia, R. Barrie Walkley, of California, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, James D. McGee, of Florida, to be Ambassador to the Republic of Madagascar, Cynthia G. Efird, of the District of Columbia, to be Ambassador to the Republic of Angola, Jackson McDonald, of Florida, to be Ambassador to the Republic of Guinea, and Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Zimbabwe.

SD–419

Indian Affairs

Business meeting to consider pending calendar business; to be followed by an oversight hearing to examine Indian tribal detention facilities.

SR–485

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

Agriculture, Nutrition, and Forestry

Production and Price Competitiveness Subcommittee

To hold hearings to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides.

SD–628

11 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine successes in the field of stem cell research.

SR–253

11:30 a.m.

Governmental Affairs

To hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

SD–342

2 p.m.

Conferees

Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

2167, Rayburn Building

2:30 p.m.

Commerce, Science, and Transportation

Competition, Foreign Commerce, and Infrastructure Subcommittee

To hold hearings to examine peer-to-peer networks.

SR–253

Governmental Affairs

Financial Management, the Budget, and International Security Subcommittee

To hold hearings to examine weapons of mass destruction smuggling networks and U.S. programs and initiatives, such as the Proliferation Security Initiative, to counter these proliferation threats.

SD–342

Judiciary

To hold hearings to examine the law of biologic medicine.

SD–226

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations, and the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sagegrouse habitat conservation.

SD–366

3 p.m.

Foreign Relations

To hold a closed briefing to examine the situation in Iraq with regard to the June 30, 2004 transition.

S–407, Capitol

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine security screening options for airports.

SR–253

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148).

SD–562

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Armed Services

To hold hearings to examine the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force-Iraq.

SR–222

Health, Education, Labor, and Pensions

To hold hearings to examine the reauthorization of the Carl D. Perkins Vocational and Technical Education Act.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 2543, to establish a program and criteria for National Heritage Areas in the United States.

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program.

SR–253

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings to examine the state of democracy in Venezuela.

SD–419

JULY 14

10 a.m.

Indian Affairs

To hold an oversight hearing on the American Indian Religious Freedom Act of 1978.

Room to be announced

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JUNE 24

2:30 p.m.
Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

POSTPONEMENTS

9 a.m.
Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the danger of purchasing pharmaceuticals over the Internet, focusing on the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign services are counterfeit, expired, unsafe, or illegitimate.
SD–342

10 a.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.
SH–216

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7061–S7115

Measures Introduced: Five bills and two resolutions were introduced, as follows:

S. 2550–2554, and S. Res. 385–386. **Page S7104**

Measures Reported:

S. 1292, to establish a servitude and emancipation archival research clearinghouse in the National Archives, with amendments. (S. Rept. No. 108–282)

S. 2322, to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees. (S. Rept. No. 108–283) **Page S7104**

Measures Passed:

Recognizing Civil Rights Act: Senate agreed to S. Res. 385, recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964. **Pages S7113–14**

Recognizing Civil Rights Organizers: Senate agreed to S. Res. 386, recognizing the 40th anniversary of June 21, 1964, and the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States, and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people. **Pages S7113–14**

Naval Complex Transfer: Senate passed H.R. 4322, to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, clearing the measure for the President. **Pages S7114–15**

Technical Correction: Senate agreed to H. Con. Res. 458, directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238. **Page S7115**

National Defense Authorization Act: Senate resumed 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 S7062–S7100**

Adopted:

By 52 yeas to 38 nays (Vote No. 131), Warner Modified Amendment No. 3458, expressing the sense of Congress on media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas. **Pages S7088–89**

Rejected:

By 39 yeas to 54 nays (Vote No. 132), Lautenberg Modified Amendment No. 3291, to require a protocol on media coverage of the return to the United States of the remains of members of the Armed Forces who are killed overseas. **Pages S7064–67, S7089–90**

Withdrawn:

Durbin Amendment No. 3463 (to Amendment No. 3225), to require certain dietary supplement manufacturers to report certain serious adverse events. **Pages S7083–86**

Harkin/Hatch Amendment No. 3462 (to Amendment No. 3225), to express the sense of the Senate concerning legislation requiring reports of serious adverse events related to dietary supplements and over-the-counter drugs. **Pages S7077–83**

Durbin Amendment No. 3225, to require certain dietary supplement manufacturers to report certain serious adverse events. **Page S7086**

Pending:

Bond Modified Amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

Brownback Amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. **Page S7062**

Burns Amendment No. 3457 (to Amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission. **Page S7062**

Reed Amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation. **Page S7062**

Bingaman Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention. **Pages S7067–68**

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute. **Pages S7068–71**

Dayton/Feingold Amendment No. 3197, to strike sections 842 relative to a conforming standard for waiver of domestic source or content requirement and 843 relative to the consistency with United States obligations under trade agreements. **Page S7071**

Warner (for McCain) Amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197), in the nature of a substitute. **Pages S7071–77**

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority. **Pages S7086–88**

Landrieu/Snowe Amendment No. 3315, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and to provide for a one-year open season under that plan. **Pages S7090–92**

Levin Amendment No. 3338, to reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism. **Pages S7092–94**

A modified unanimous-consent agreement was reached providing that all first-degree amendments be offered no later than 6:30 p.m. on Tuesday, June 22, 2004, with the exception of amendments agreed to by the Chairman and Ranking Member; further, that when the Senate continues consideration of the bill on Tuesday, June 22, 2004, there be 60 minutes of debate equally divided in relation to Levin Amendment No. 3338 (listed above), to be followed by a vote on, or in relation to that amendment; following that vote, Senate resume consideration of Brownback Amendment No. 3225 (listed above), and that Burns Amendment No. 3457 (listed above) then be agreed to; that Senator Brownback, or his designee, be recognized to offer a further second-degree amendment, to be followed by a vote on or in relation to that amendment; following that vote, Senator Dorgan, or his designee, be recognized to offer a further second-degree amendment on media ownership, and the amendment then be agreed to; that Senator Hollings, or his designee, be recognized to offer an amendment on children's programming, and the amendment then be agreed to; and that the Brownback underlying amendment then be agreed to, as amended. **Page S7115**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:45 a.m., on Tuesday, June 22, 2004. **Page S7115**

Messages From the House: **Page S7102**

Measures Referred: **Page S7102**

Measures Placed on Calendar: **Page S7102**

Executive Communications: **Pages S7102–04**

Additional Cosponsors: **Pages S7104–06**

Statements on Introduced Bills/Resolutions: **Pages S7106–11**

Additional Statements: **Pages S7101–02**

Amendments Submitted: **Pages S7111–13**

Authority for Committees to Meet: **Page S7113**

Privilege of the Floor: **Page S7113**

Record Votes: Two record votes were taken today. (Total—132) **Pages S7089, S7090**

Adjournment: Senate convened at 1 p.m., and adjourned at 8:49 p.m., until 9:45 a.m., on Tuesday, June 22, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7115.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: On Thursday, June 17, Committee concluded a hearing to examine the nominations of Anne W. Patterson, of Virginia, to be U.S. Deputy Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Deputy Representative in the Security Council of the United Nations, and to be a U.S. Representative to the Sessions of the General Assembly of the United Nations, and James B. Cunningham, of Pennsylvania, to be U.S. Representative to the Vienna Office of the United Nations,

with the rank of Ambassador, and to be U.S. Representative to the International Atomic Energy Agency, with the rank of Ambassador, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: On Thursday, June 17, Committee concluded a hearing to examine the nomination of John C. Danforth, of Missouri, to be U.S. Representative to the United Nations with the rank of Ambassador; and to be U.S. Representative in the Security Council of the United Nations; and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations, after the nominee, who was introduced by Senators Bond and Talent, and former Senator Eagleton, testified and answered questions in his own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Douglas L. McElhaney, of Florida, to be Ambassador to Bosnia and Herzegovina, and Aldona Wos, of North Carolina, to be Ambassador to the Republic of Estonia, who was introduced by Senator Dole, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Charles Graves Untermeyer, of Texas, to be Ambassador to the State of Qatar, who was introduced by Senators Hutchison and Cornyn, and William T. Monroe, of Virginia, to be Ambassador to the Kingdom of Bahrain, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 8 public bills, H.R. 4625–4632; and; 5 resolutions, H.J. Res. 99–100; H. Con. Res. 458–459, and H. Res. 684, were introduced. **Pages H4646–47**

Additional Cosponsors: **Page H4647**

Reports Filed: Reports were filed today as follows:

H.R. 3266, to authorize the Secretary of Homeland Security to make grants to first responders, amended (H. Rept. 108–460, Pts. 3 and 4);

H.R. 3742, to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferre United States Courthouse and Post Office Building" (H. Rept. 108–556);

H.R. 3884, to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse" (H. Rept. 108–557);

H.R. 4548, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, amended (H. Rept. 108–558); and

H. Res. 683, providing for consideration of H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005 (H. Rept. 108–559). **Page H4646**

Speaker: Read a letter from the Speaker wherein he appointed Representative Renzi to act as Speaker Pro Tempore for today. **Page H4583**

Recess: The House recessed at 12:43 p.m. and reconvened at 2 p.m. **Page H4584**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing the gratitude of the House for the contributions of America's community banks: H. Res. 591, expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as "Community Banking Month", by a ⅔ yea-and-nay vote of 364 yeas with none voting "nay", Roll No. 276; **Pages H4585–87, H4615–16**

Homeownership Opportunities for Native Americans Act of 2004: H.R. 4471, to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996; **Pages H4586–88**

Helping Hands for Homeownership Act of 2004: H.R. 4363, amended, to facilitate self-help housing home ownership opportunities, by a 2/3 yea-and-nay

vote of 368 yeas with none voting ''nay'', Roll No. 277; **Pages H4588–90, H4616**

Flood Insurance Reform Act of 2004: S. 2238, to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which repetitive flood insurance claim payments have been made—clearing the measure for the President; **Pages H4590–98**

Requiring the Office of Personnel Management to present options for providing dental and vision benefits to Federal employees: H.R. 3751, amended, to require that the Office of Personnel Management study and present options under which dental and vision benefits could be made available to Federal employees and retirees and other appropriate classes of individuals; **Pages H4599–S4600**

Agreed to amend the title so as to read: to require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available. **Page H4600**

2004 District of Columbia Omnibus Authorization Act: H.R. 3797, to authorize improvements in the operations of the government of the District of Columbia; **Pages H4600–02**

Newell George Post Office Building Designation Act: H.R. 4222, to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''; **Pages H4602–03**

Recognizing the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner: H. Con. Res. 450, recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people; **Pages H4604–06**

Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004: H. Res. 660, congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004, by a 2/3 yea-and-nay vote of 367 yeas with none voting ''nay'', Roll No. 278; **Pages H4606–07, H4616–17**

Congratulating the Detroit Pistons on winning the 2004 NBA Championship: H. Res. 679, congratulating the Detroit Pistons on winning the 2004 National Basketball Association Championship; **Pages H4607–10**

Western Shoshone Claims Distribution Act: H.R. 884, amended, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K; **Pages H4610–12**

Tribal Forest Protection Act of 2004: H.R. 3846, amended, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land; **Pages H4612–13**

Amending the Bend Pine Nursery Land Conveyance Act: S. 1848, to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon clearing the measure for the President; and **Pages H4613–14**

John Muir National Historic Site Boundary Adjustment Act: H.R. 3706, to adjust the boundary of the John Muir National Historic Site. **Pages H4614–15**

Flood Insurance Reform Act of 2004—Technical Correction: The House agreed to H. Con. Res. 458, directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238. **Page H4598**

Recess: The House recessed at 3:48 p.m. and reconvened at 6:30 p.m. **Page H4615**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H4615–16, H4616 and H4616–17. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:34 p.m.

Committee Meetings

DEPARTMENT OF DEFENSE APPROPRIATIONS FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 4613, Department of Defense Appropriations Act, 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report shall be considered as adopted in the House and in the Committee of the Whole. Under the rules of the House the bill shall be read

for amendment by paragraph. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill). The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule provides one motion to recommit with or without instructions. Section 2 of the resolution provides that upon the adoption of the resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July. Testimony was heard from Representatives Lewis of California, Murtha, and Kaptur.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 22, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings to examine the structural imbalance of the District of Columbia, 10 a.m., SD–138.

Subcommittee on Defense, business meeting to mark up proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, 10:45 a.m., SD–192.

Full Committee, business meeting to mark up proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, 3:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine regulatory reform proposals, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine aviation security, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Energy, to hold hearings to examine the Department of Energy's High Performance Computing research and development activities in both the National Nuclear Security Administration and the Office of Science, and S. 2176, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing through the Office of Science, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine tax-exempt organizations, focusing on governance and best practices of charities, charities accommodating tax shelters, and current problems and issues in the charitable community, 10 a.m., SDG–50.

Committee on Foreign Relations: business meeting to consider convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, concluded at Cape Town, South Africa, on November 16, 2001 (Treaty Doc. 108–10), and the nominations of John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, Anne W. Patterson, of Virginia, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Deputy Representative of the United States of America to the United Nations, and to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations, John C. Danforth, of Missouri, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations, Joseph D. Stafford III, of Florida, to be Ambassador to the Republic of The Gambia, Lewis W. Lucke, of Texas, to be Ambassador to the Kingdom of Swaziland, R. Niels Marquardt, of California, to be Ambassador to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador to the Republic of Equatorial Guinea, Ann M. Corkery, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations, Benjamin A. Gilman, of New York, and Walid Maalouf, of Virginia, each to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations, John D. Rood, of Florida, to be Ambassador to the Commonwealth of The Bahamas, William R. Brownfield, of Texas, to be Ambassador to the Bolivarian Republic of Venezuela, Thomas Fingar, of Virginia, to be an Assistant Secretary of State for Intelligence and Research, Suzanne Hale, of Virginia, to be Ambassasador to Micronesia, Ralph Leo Boyce, of Virginia, to be Ambassador to Thailand, James R. Kunder, of Virginia, to be Assistant Administrator of the USAID for Asia and the Near East, Edward Brehm, of Minnesota, to be a Member of the African Development Foundation Board of Directors, Adam L. Lindemann, of New York, to be a Member of the Advisory Board for Cuba Broadcasting, and a Foreign Service Officer Promotion List, Time to be announced, S–116, Capitol.

Full Committee, to hold hearings to examine the safety and security of Peace Corps volunteers around the world, 9:30 a.m., SD–419.

Committee on the Judiciary: to hold hearings to examine preserving traditional marriage, focusing on states' perspective, 10 a.m., SD–226.

Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine the use of subpoena authority and pretrial detention of terrorists in fighting terrorism, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine pending Veterans' programs bills, 2:45 p.m., SR–418.

Special Committee on Aging: to hold hearings to examine the Medicaid crisis, 10 a.m., SD–628.

House

Committee on Appropriations, Subcommittee on Military Construction, on Air Force Budget Request, 9:30 a.m., B–300 Rayburn.

Committee on Armed Services, hearing on Progress in Iraq, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing entitled ''H.R. 4283, the College Access and Opportunity Act: Does Accreditation Provide Students and Parents Accountability and Quality?'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, 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 Financial Institutions and Consumer Credit, hearing entitled ''The New Basel Accord: Private Sector Perspectives,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled ''LNG Import Terminal and Deepwater Port Siting: Federal and State Roles,'' 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, to continue hearings on ''Nuclear Security: Can DOE Meet Facility Security Requirements? (Part II), 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on A Parent's Worst Nightmare: The Heartbreak of International Child Abductions, 2 p.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on U.S. Policy Toward South Asia, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing entitled ''Safeguarding Americans From a Legal Culture of Fear: Approaches to Limiting Lawsuit Abuse,'' 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003, 3 p.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005, 2 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Public Transportation Security, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on Tax Exemption: Pricing Practices of Hospitals, 10 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:45 a.m., Tuesday, June 22

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 2400, National Defense Authorization Act.

(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, June 22

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Con. Res. 13—Recognizing the importance of blues music;

(2) H. Con. Res. 449—Honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death;

(3) H. Res. 634—Congratulating the Kenyon College Ladies swimming and diving team for winning the 2004 NCAA Division III Women's Swimming and Diving National Championship;

(4) H. Res. 635—Congratulating the Kenyon College Lords swimming and diving team for winning the 2004 NCAA Division III Men's Swimming and Diving National Championship;

(5) H. Res. 630—Commending the University of Minnesota Golden Gophers for winning the 2003–04 NCAA Division I National Collegiate Women's Ice Hockey Championship;

(6) H. Con. Res. 56—Expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual;

(7) S. 2017—Luis A. Ferre United States Courthouse and Post Office Building Designation Act;

(8) H.R. 4226—Cape Town Treaty Implementation Act of 2004;

(9) H.R. 4372—Working Families Assistance Act of 2004; and

(10) H.R. 4589—To reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004.

Consideration of H.R. 4613, Department of Defense Appropriations Act for Fiscal Year 2005 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1191, E1192
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