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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 22, 2004.

I hereby appoint the Honorable MAX BURNS 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

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

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

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

PRAYER

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

Lord of creation, out of chaos You breathed forth the cosmos; out of disorder You arranged an order in nature. You invite leadership in government to continue in this creative act by bringing clarity and consensus to complex issues facing society today. By law and the ways of justice, You bring a settlement to communities across this country and plant seeds of world peace.

As You have acted in and through Your people in the past, so now act in the present. As You can always create anew, so now move and act in our personal lives and in our lives as a Nation. Out of love, You fashion and free us to reach our full potential 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 Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4322. An act 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.

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 also announced that pursuant to section 214 of title II, Public Law 107–252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors:

Wesley R. Kliner, Jr. of Tennessee.

The message also announced that pursuant to section 411(b)(1)(B), Public Law 108–176, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the National Commission on Small Community Air Service:

Philip H. Trenary, of Tennessee.

JOHN KERRY'S MISGUIDED CAMPAIGN TACTIC

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

Mr. PITTS. Mr. Speaker, yesterday, JOHN KERRY joined the growing chorus of those who are just plain confused on stem cell research.

There are two different types of stem cell research: adult and embryonic. Adult stem cell research works. Embryonic stem cells do not.

Look at the science. The private sector knows this. The Juvenile Diabetes Foundation claims that embryo stem cell research is the most promising research. Yet, it devotes only $3 million of its $80 million research and education budget for embryo stem cell research. They spent $15 million on adult stem cell research.

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Why do they say embryo stem cell research has the most potential, but they spend five times as much money on adult stem cell research? Adult stem cells have already successfully treated Parkinson's, blindness, Lupus, rheumatoid arthritis, leukemia, non-Hodgkin's lymphomas, multiple sclerosis, and the list goes on. There have been no successful treatments with embryo stem cells. None.

Let the truth prevail on this. Let us fund what works. Let us fund what is saving lives. Let us do the right thing and not play politics.

FINAL DRAFT OF ''PATTERNS OF GLOBAL TERRORISM'' REFLECTS THE FACTS

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

Mr. EMANUEL. Mr. Speaker, finally, today, the State Department will release the complete and authoritative report on the ''Patterns of Global Terrorism,'' a correction requested by our colleague, the gentleman from California (Mr. WAXMAN).

The original report issued by Secretary Powell claimed terrorist incidents hit their lowest level in 34 years; but, in fact, terrorist attacks were at their highest in 20 years. A funny thing happened on the way to the printer.

Unfortunately, this is not the first, second, or even the third time, for that matter, that a Bush Cabinet Secretary is having to rewrite a report from their own department. Time and again, Bush Cabinet Secretaries have been forced to abandon their own report after public scrutiny.

Whether it is a State Department report on terrorism, inaccurate reports published by Health and Human Services on racial disparities in health care, the cost of the Medicare prescription drug bill, or the EPA's mercury report, each time one thing in common happens: the first draft reflects the administration's ideology and political objectives, and the rewrite reflects the facts.

The final draft reflects the facts, and as Ronald Reagan used to say, facts are a stubborn thing.

It appears that a pattern exists of either gross incompetence or gross political manipulation, and neither is worthy of a Cabinet Secretary.

Mr. Speaker, today we welcome Secretary Powell's report in coming clean on the true facts on the war on terrorism.

BUSH ADMINISTRATION FALLS SHORT ON PROMISES TO VETERANS

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

Ms. BERKLEY. Mr. Speaker, on the 4th of July, families in Las Vegas will celebrate the anniversary of our Nation's independence with great fanfare, including parades, watching the fire works, singing our National Anthem, honoring our veterans. Also on this day, I will join in the local effort to provide meals to the homeless veterans in my community.

Sadly, the Bush administration and many in Congress have fallen short on the promises made to our veterans. President Bush shortchanged our veterans when he proposed to increase the prescription drug copay and create a $250 user fee for veterans who use the VA. Republicans shortchanged our veterans when they underfunded important veterans programs and underfunded veterans health care by $1 billion.

We must not only remember and thank our veterans on holidays like Independence Day; we must send a message to them every day that we as Americans are eternally grateful for their service and sacrifice by meeting our promises, the promises made to our veterans to provide health care and other important benefits.

RULE OF LAW MAY FINALLY RULE IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, the rule of law may finally apply to U.S. military and civilian commanders running the President's war in Iraq. The American people may finally learn the truth behind the prisoner abuse scandal at Abu Ghraib.

A U.S. military judge has ruled that lawyers defending low-ranking soldiers can question top U.S. commanders. It is the first step in getting the truth, and it is about time. A lawyer for one soldier summed up a widely held view: ''No one can suggest with a straight face that these MPs acted alone.'' Yet that is exactly what this administration keeps trying to do.

Congress and the American people have heard the tortured logic from the administration and its spin doctors. No rational person is buying it.

Those who flaunted the law, regardless of rank in the military or the administration, must be brought to justice. To rebuild our credibility, the world must know that we are a nation of laws, not of men and their ideas.

WHAT THE REPUBLICANS ARE NOT TELLING US

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

Mr. PALLONE: Mr. Speaker, when President Bush took office, he inherited a $236 billion budget surplus and 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, 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 of our economy.

What the Republicans are not telling us is that about 90 percent of the new jobs they are boasting about pay an average hourly wage that is less than the national average. What they are not telling us is that in States like New Jersey, my State, those lower-paying jobs are 11 percent less likely to include health care coverage.

Combine all that with rising education costs: tuition in New Jersey has gone up 36 percent; and rising gas prices: the average price of gas in New Jersey is over $2 a gallon.

Mr. Speaker, middle class Americans are being squeezed by Republican policies that have allowed these prices to skyrocket and create record deficits. What they are not telling us is that middle-class American families are paying the price.

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 later today.

CONGRATULATING KENYON COLLEGE LADIES SWIMMING AND DIVING TEAM FOR WINNING 2004 NCAA DIVISION III WOMEN'S SWIMMING AND DIVING NATIONAL CHAMPIONSHIP

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 634) congratulating the Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship.

The Clerk read as follows:

H. RES. 634

Whereas on March 13, 2004, the Kenyon College Ladies swimming and diving team won the National Collegiate Athletic Association (NCAA) Division III Women's Swimming and Diving National Championship for the 20th time with a score of 506 points;

Whereas the Ladies won 10 of the 20 championship events, including all five relay events for the second straight season;

Whereas Head Coach Jim Steen has won 41 NCAA Division III Swimming and Diving National Championships as coach of both the men's and women's swimming and diving teams at Kenyon College;

Whereas the dedication of each swimmer, diver, coach, trainer, and manager of the Ladies allowed the swimming and diving team to reach the pinnacle of team achievement;

Whereas the students, alumni, and faculty of Kenyon College and other supporters of Kenyon College swimming and diving are to be congratulated for their commitment and pride in the Kenyon College swimming and diving program; and

Whereas the 20 national titles won by the Ladies are the most by any women's athletic program in any division of the NCAA and makes the Ladies swimming and diving team the most successful sports program in women's collegiate athletics history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship;

(2) recognizes the achievements of all the swimmers, divers, coaches, trainers, and managers who were instrumental in helping the Kenyon College Ladies win the 2004 NCAA Division III Women's Swimming and Diving National Championship; and

(3) recognizes the 20 NCAA Division III national championships won by the Kenyon College Ladies swimming and diving team as an accomplishment unparalleled in any sport in the history of women's collegiate athletics.

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

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

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 634.

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

There was no objection.

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

Mr. Speaker, it gives me great pleasure to rise in support of House Resolution 634. I want to thank my colleague, the gentleman from Ohio (Mr. NEY), for bringing this resolution forward today. This resolution honors Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship.

Today we recognize this team and the first-class athletic program at Kenyon College. Since its inaugural season in 1975–1976, the Ladies swimming and diving team has developed into a national powerhouse and has been the dominant force in Division III. Dating back to the 1983–1984 season, the Ladies have captured 20 out of 21 NCAA national championships contested. From 1984 through 2000, the Ladies won 17 straight national championships, the second-longest national championship streak in the history of the NCAA, including all sports and all divisions.

This past season, the Ladies nailed down their twentieth national title in St. Peters, Missouri. The women won 10 of the 20 events, set two NCAA records, and posted a winning team total of 507 points. No other women's program, Mr. Speaker, in the history of the NCAA has had as many team titles as the Kenyon College Ladies Swimming and Diving programs.

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

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

Mr. Speaker, I rise in support of H. Res. 634, a resolution congratulating the Kenyon College Ladies Swimming and Diving Team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship.

In March, the Kenyon Ladies captured the national championship for a record 20th time in just 21 years. The Ladies' record 20th national championship came a month after placing second to Denison University at the North Coast Athletic Conference, NCAC, championships in mid-February.

I want to extend my congratulations to head coach Jim Steen, who has a remarkable record. Coach Steen has won a combined 41 NCAA titles with both the Lords and Ladies swimming and diving teams at Kenyon over the past 28 years. Seven former Kenyon swimmers are now college head coaches, while nine others are assistants. Since Steen's arrival in 1976, more than 300 Kenyon swimmers and divers have become all-Americans.

I also want to congratulate team standouts Beth Galloway for winning the 100-yard back stroke and setting a new NCAA record in this event and Agnese Ozolina, who captured first place in the 200-yard individual medley. Together, these two seniors hold 23 national titles.

I also want to extend my congratulations, Mr. Speaker, to Denison and Emory universities, who won second and third place in the final overall team standings this year. Winning the championship has cemented Kenyon University's place among collegiate sports dynasties.

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

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. NEY), whose district Kenyon is in.

Mr. NEY. Mr. Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. TIBERI), for yielding me this time. He is a neighbor of ours. I have the Knox County area, and we share Licking County. So I want to thank him for carrying this. I also want to thank, obviously, the gentleman from Ohio (Mr. BOEHNER). The gentlewoman from California (Ms. WOOLSEY) who is here today, I want to thank the gentlewoman for helping with this resolution on the floor.

Also, Mr. Speaker, I would like to thank Owen Beetham of our staff, who is a graduate of Kenyon College who happened to prepare this resolution, so it is kind of Kenyon College Day.

But right now, Mr. Speaker, it is with great pride that I introduce this resolution congratulating the Kenyon College Ladies swimming and diving team for claiming the 2004 NCAA Division III swimming and diving national championship. They captured it by scoring an impressive 506 in points.

The win was particularly impressive due to the fact that the team roster was limited this year. In past years, the Ladies swam to the title with a full or nearly full championship roster of 18 swimmers. This year, however, the Kenyon team had a roster of 14 swimmers and still managed to post a winning point total.

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Mr. Speaker, we all recognize that winning a national athletics championship is a tremendous accomplishment, but for these young ladies, this year's championship marks something more. It was the 20th time the Kenyon Ladies returned from the NCAA national championship victorious.

I think it is also important to take a moment to recognize Jim Steen, who is in his 28th year as the head coach of the Kenyon Swimming and Diving Program. Coach Steen's consistent and innovative contributions have produced unparalleled results: 300 men and women, All-America swimmers who have together earned nearly 2,500 All-America awards since his arrival on campus in 1976. His teams have won more NCAA events and set more national records than any other school in history.

But Coach Steen is perhaps even more proud of the fact that his swimmers have compiled a record number of athletic postgraduate scholarship awards. In fact, many of the swimmers exemplify something that is often overlooked in college athletics: the importance of being both hard-working athletes and strong academics. At Kenyon, swimming, like academics, is something one does because one wants to do it, not because one has to do it. They like the challenge and enjoy the rewards of their hard work.

I think it is safe to say Kenyon's reputation as one of the top swimming programs in the country nicely complements the fact that it is one of the elite schools of higher education in the United States because of the students and their desire to have an education and acquire an education. That marriage of athletics and academics, of hard work and strong intellect is what makes Kenyon College a remarkable place for swimmers and students alike.

We should all be proud of the accomplishments of the Kenyon Ladies swimming and diving team. The Ladies have shown us the real definition of what it is to be champions. Their hard work, dedication and desire will preserve their place in the history of collegiate athletics as the most successful women's athletics program in any division.

I could not be more pleased to represent the Ladies here today. I could

not be more pleased to represent Kenyon College in the Eighteenth District of Ohio.

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

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

Again, it is a pleasure for me to be here to honor the Kenyon College Ladies, a distinction earned by the student athletes. The remarkable repeat victories of the team reflect the dedication of each athlete, the leadership of Coach Steen, supportive family and friends and fans.

I extend my congratulations to each of the hard-working competitors on the swimming and diving team, to Coach Steen, and to Kenyon College. I am happy to join with my colleague, the gentleman from Ohio (Mr. NEY), my neighbor in Ohio, and all my colleagues in honoring the accomplishments of this team and wish them continued success.

Once again, I strongly support House Resolution 634 and ask my colleagues to join me in support of this resolution.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, H. Res. 634.

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.

CONGRATULATING KENYON COLLEGE LORDS FOR WINNING 2004 NCAA DIVISION III MEN'S SWIMMING AND DIVING NATIONAL CHAMPIONSHIP

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 635) congratulating the Kenyon College Lords swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship.

The Clerk read as follows:

H. RES. 635

Whereas on March 20, 2004, the Kenyon College Lords men's swimming and diving team won the National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship for the 25th consecutive year with a score of 678.5 points;

Whereas the Lords won 11 of the 20 championship events, including all five relay events for the third consecutive season;

Whereas Head Coach Jim Steen has won 41 NCAA Division III Swimming and Diving National Championships as coach of both the men's and women's swimming and diving teams at Kenyon College;

Whereas the dedication of each swimmer, diver, coach, trainer, and manager of the Lords allowed the swimming and diving team to reach the pinnacle of team achievement;

Whereas the students, alumni, and faculty of Kenyon College and other supporters of Kenyon College swimming and diving are to be congratulated for their commitment and pride in the Kenyon College swimming and diving program; and

Whereas the 25 consecutive national titles won by the Lords is a record unmatched by any team in any sport in any division of the NCAA and makes the Lords swimming and diving team the most successful sports program in collegiate athletics history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kenyon College Lords swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship;

(2) recognizes the achievements of all the swimmers, divers, coaches, trainers, and managers who were instrumental in helping the Kenyon College Lords win the 2004 NCAA Division III Men's Swimming and Diving National Championship; and

(3) recognizes the 25 consecutive NCAA Division III national championships won by the Kenyon College Lords swimming and diving team as an accomplishment unparalleled in any sport in the history of collegiate athletics.

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

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

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 635.

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

There was no objection.

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I am also very proud to have introduced this second resolution congratulating the Kenyon College Lords swimming and diving team for capturing the 2004 NCAA Division III Swimming and Diving National Championship. You can see this is a great day for Kenyon College with both the female swimmers and the male swimmers, and the same coach, I should note, Jim Steen, who has just done a wonderful job.

This year, the Lords follow in the footsteps of those great swimmers who came before them. Like their predecessors, the Lords once again dominated the swimming and competition, scoring and incredible 678.5 points, while capturing their 25th consecutive national championship.

Some have argued that Kenyon Lords swimming is the greatest dynasty in sports. At the least, the Lords have accomplished something unparalleled in the history of collegiate athletics, a record 25 consecutive men's national championship teen titles, the most by any team in the history of NCAA athletics.

So for the past 25 years now, Kenyon has brought the Division III National title home to Gambier, Ohio. In fact, the last time the Lords lost a national championship, Jimmy Carter was President. Since 1980, Kenyon swimmers have had nearly 140 different people score points, while swimming more than 200 individual and 85 relay titles at the NCAA Division III Nationals. Perhaps even more impressive, are the 1,445 All-America honors as well as the 83 academic All-America awards Lords swimmers have accrued. This is an amazing amount of points.

These accomplishments testify to the hard work and the commitment to excellence the Kenyon Lords embody. But this strong work ethic extends far beyond the swimming pool. Kenyon College's tradition of excellence started long before their national championship streak. Since 1824, when the school was founded by Philander Chase, students have enjoyed its reputation as an environment friendly to those willing to work hard and further their intellect. That is why I think it is important to note that many of these athletes did not attend Kenyon for the sole sake of swimming, rather their choice was twofold: Kenyon boasts one of the best swimming programs in the country, but it is also one of the greatest schools of higher education in the United States. The result is by being a member of the Kenyon community, students enjoy the opportunity to become educated not only in the world of academia, but life as well.

The hard work and dedication displayed by the Kenyon Lords reminds us that, whether or not you want their streak to continue, and for Kenyon's sake let us hope that we do, this year the Lords team made it possible for all of us to celebrate the fact that for a quarter of a century now a small liberal arts school in Ohio has established itself as the benchmark for aspiring athletes in athletic programs all over this country.

I cannot be more pleased to celebrate the Lords accomplishments here today. I am very proud of the Lords, I am very proud of Kenyon College, and I think very fortunate to be able to represent Kenyon College in the Eighteenth District in Ohio.

I want to thank again the gentleman from Ohio (Mr. TIBERI) and the gentlewoman from California (Ms. WOOLSEY) for her support.

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

I rise in support of H. Res. 635, a resolution congratulating the Kenyon College Men's swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's swimming and diving National Championship. This spring, the Kenyon Lords won a record 25th consecutive NCAA division title, the most titles held by any team in any sport in NCAA competition. Imagine that. My colleagues must be so proud over there.

Since 1980, the Kenyon Lords have won 200 individual and 85 relay titles at

NCAA events. I want to congratulate Head Coach Jim Steen, who has been the driving force behind the Lords impressive drive for 25 quests. Not only has Coach Steen won more national NCAA titles than any other coach, but he has also prioritized academics and a strong work ethic for his Lords and Ladies teams.

The Lords have received 1,445 All-America honors, as well as 83 academic All-America awards. They have also won 85 relay team national championships, 54 conference titles, and 13 out of 18 record holders in Division III at NCAA events.

I also want to congratulate Emory and Carnegie Mellon Universities, who finished second and third in the overall team standings.

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

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume, and, in closing, I want to thank again the gentleman from Ohio (Mr. NEY), my colleague from Ohio, for bringing this resolution forward, and the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER).

I too extend my congratulations to each of the hard-working competitors of the swimming and diving team, to Coach Steen again, and to Kenyon College. I am happy to join with my colleagues in honoring the accomplishments of this team and wish them continued success.

I strongly support House Resolution 635, and ask my colleagues to support it as well.

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 Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, H. Res. 635.

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.

COMMENDING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING 2003–2004 NCAA DIVISION I NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. KLINE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship.

The Clerk read as follows:

H. RES. 630

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association (NCAA) Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003–2004 season, the Gophers won an outstanding 30 out of 36 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's team at the University to win an NCAA championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003–2004 NCAA All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson has been named the American Hockey Coaches Association's Division I Women's Coach of the Year for the third time since 1998; and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003–2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol to be honored; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the President of the University of Minnesota.

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

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 630.

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

There was no objection.

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

Mr. Speaker I rise today in support of House Resolution 630, and I thank my colleague, the gentleman from Minnesota (Mr. SABO), for bringing this resolution forward.

Mr. Speaker, this resolution recognizes the achievement of the University of Minnesota women's hockey team, the Minnesota Golden Gophers for their NCAA Division I championship. The Golden Gophers championship win marked a triumphant end to a remarkable season, winning 30 of 36 games and becoming the only women's team from the University of Minnesota to win an NCAA championship. The Golden Gophers defeated Harvard University by a score of 6 to 2 in the championship game, after defeating Dartmouth College by a score of 5 to 1 in the semi-final game.

In addition to their team victory, five players received individual recognition: Named to the 2003–2004 NCAA All-Tournament team. Head Coach Laura Halldorson was also honored as ''Division I Women's Coach of the Year,'' receiving this distinction for the third time since 1998.

I extend my congratulations to all of the hard-working players, Coach Halldorson and her staff, the great Gopher fans, and the University of Minnesota. I am happy to join my colleagues in honoring the accomplishments of this team, and I wish them continued success. I ask my colleagues to support this resolution.

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

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

I rise in support of H. Res. 630, a resolution congratulating the University of Minnesota Golden Gophers for winning the 2004 National Collegiate Athletic Association Division I Women's Ice Hockey National Championship.

In March, the Gophers won their third consecutive national title, defeating the Harvard Crimson 6 to 2. I want to congratulate Shannon Miller, the 2003 American Hockey Coaches Association ''Coach of the Year,'' in leading the Golden Gophers women's ice hockey team to their third national title in just 4 years.

In addition to the titles, Coach Miller holds the top spot among all women's college hockey coaches with a .818 winning percentage.

I also want to congratulate Krissy Wendell, who led the Golden Gophers with a goal and 3 assists and scored a total of 8 points during the national semi-final and championship games. Due to her excellent play, Wendell was named the ''outstanding player'' of the tournament.

In addition, Wendell's Gopher teammates, Natalie Darwiz, Jody Horak, Allie Sanchez and Kelly Stephens also took home NCAA All-Tournament honors.

□ 1030

I also want to congratulate the Harvard women's hockey team for their strong performance at the Final Four on Ice this year.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. SABO), an athlete himself.

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

Mr. SABO. I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, on March 28, 2004, the State of Hockey made history once

again. The University of Minnesota Golden Gopher women's ice hockey team defeated Harvard 6–2 to win the NCAA women's ice hockey championship. This marks the first NCAA championship for any women's sport at the University of Minnesota and was a true Minnesota effort as 12 of the 20 women on the roster are Minnesotans.

Winning the national championship was the crown jewel on an already spectacular season. The Golden Gophers defeated Dartmouth in the national semifinal 5–1 and former national champions the University of Minnesota-Duluth for the Western Collegiate Hockey Association championship. The Golden Gophers' final record for 2003–2004 was a stunning 30 wins, 4 losses and 2 ties.

The Gophers' championship season also yielded a number of individual honors. Coach Laura Halldorson was named the American Hockey Coaches Association's Division I Women's Coach of the Year. Sophomore Krissy Wendell was named tournament MVP. Five Golden Gophers were named to the NCAA all-tournament team: Krissy Wendell, Natalie Darwitz, Allie Sanchez, Jody Horak, and Kelly Stephens. This represents the most national all-tournament honors awarded to any Golden Gophers team in history.

Mr. Speaker, Minnesota is, and will always remain, the State of Hockey. I congratulate the players, coaches, staff, and fans for this wonderful achievement. And with most of the team back next year, we hope to be back here celebrating again.

Ms. WOOLSEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I am so pleased to be here to support House Resolution 630, congratulating the University of Minnesota Golden Gophers women's hockey team for their NCAA 2003–2004 women's ice hockey championship. I also want to congratulate head coach Laura Halldorson on being named the American Hockey Coaches Association's Coach of the Year for the third time since 1998.

This women's hockey team is the first women's team at the University of Minnesota to win an NCAA championship. We are all proud of the extraordinary accomplishment of all of these women. The success this team has achieved this year will help to continue to fuel women's hockey, which is exploding in Minnesota and across the country.

The success of the Golden Gophers and the ever-growing opportunities for women in sports remind us of the importance of title IX, the landmark legislation that banned sex discrimination in schools. Since its passage over 30 years ago, title IX has kicked open the door for women and girls in athletics and education; and since the passage of title IX, girls and women have gone from hoping for a team to hoping to make the team, from ringette to ice hockey.

Unfortunately, there are still some who would like to turn back the clock and see this law weakened. But as women continue to make strides toward equal opportunity, title IX must continue to remain strong. We must uphold the progress we have made, and we need to continue to expand the opportunities for our daughters, our granddaughters, our nieces, and for the next generation of young girls. Every girl and young woman must be given a chance one day to become a national champion, just as these Golden Gophers women had the chance.

Once again, I congratulate the University of Minnesota Lady Gophers on their extraordinary year.

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

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume just to again thank my colleagues for their kind words today and the gentleman from Minnesota (Mr. SABO) for bringing this resolution forward. I am very proud to support it and encourage all of my colleagues to support it.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to the University of Minnesota women's hockey team, which has added new and indisputable evidence to boost Minnesota's reputation as the State of Hockey.

The Golden Gophers women's hockey team won the NCAA championship in March, beating Harvard 6–2 in the NCAA Frozen Four in Providence, RI.

Mr. Speaker, Minnesota is truly the State of Hockey, and the members of the University of Minnesota women's hockey team are true national champions.

This was the Gophers' first NCAA championship but its second national title in 5 years, as the Gophers won the AWCHA title in 2000 before the NCAA started holding a tournament.

Mr. Speaker, I salute Coach Laura Halldorson, her staff and her great team—including all-tournament players Krissy Wendell, Natalie Darwitz, Jody Horak, Allie Sanchez, and Kelly Stephens—on their national championship and the impressive way the Golden Gophers handled themselves on and off the ice.

Krissy Wendell, of Brooklyn Park in the Third Congressional District, led the Gophers to a 30–4–2 record in this remarkable championship season. She had a goal and 3 assists in the championship game and 8 points during the Frozen Four. Krissy Wendell was named the Most Outstanding Player of the Tournament, and the people of our area are very proud of her and her teammates.

The greatness of the University of Minnesota's 2003–2004 Golden Gopher women's hockey team is now a part of NCAA women's athletics history.

Mr. Speaker, that greatness was recognized at the White House on May 19 when the Golden Gophers women's hockey team was honored by President Bush. As the President said that day: "I was pleased to know the University of Minnesota women's hockey team's slogan this year was 'Get it done, and meet George.' It's my pleasure to meet you."

Mr. Speaker, It is my pleasure to extend heartfelt congratulations to our national champions, the University of Minnesota women's hockey team. Congratulations on your great accomplishment, and many thanks for making the State of Hockey proud.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the resolution, H. Res. 630.

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.

HONORING THE LIFE AND ACCOMPLISHMENTS OF RAY CHARLES

Mr. BURNS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 449

Whereas Ray Charles was born Ray Charles Robinson in Albany, Georgia, on September 23, 1930, the first child of Aretha and Baily Robinson;

Whereas Ray Charles and the Robinson family battled grinding poverty, the Depression, segregation, and young Ray's loss of his sight to glaucoma when he was only 6 years old, but they never gave up hoping and working for a better life;

Whereas while attending the St. Augustine School for the Deaf and Blind in St. Augustine, Florida, Ray Charles learned to read Braille and type, and he developed his musical gifts by learning to compose and arrange music by ear;

Whereas Ray Charles began his career as a professional musician without financial resources, in an era of segregation, and he struggled in poverty for years before attaining success;

Whereas out of his struggle and sacrifice Ray Charles gave the world the classic songs, "I Got A Woman", "Born to Lose", "Hit the Road, Jack", "I Can't Stop Loving You", "Crying Time", "Living for the City", "Busted", "Hard Times", "Ruby", "The Right Time", "Let the Good Times Roll", "What'd I Say?", and "Hallelujah, I Love Her So";

Whereas Ray Charles demonstrated a unique ability to perform music in nearly every musical style, whether blues, jazz, gospel, country-western, or rock and roll;

Whereas Ray Charles transformed "Georgia on My Mind", an old Stuart Gorrell and Hoagy Carmichael tune from 1930, into a song which is instantly recognized throughout the world and the official song of his native State of Georgia;

Whereas with his unique style of arrangement, Ray Charles gave new life for a new century to one of America's best-known patriotic songs, "America the Beautiful";

Whereas during his most productive musical years, Ray Charles provided unfailing personal and financial support to Dr. Martin Luther King, Jr., in the struggle to end the practice of racial segregation which had divided the Nation;

Whereas Ray Charles extended his commitment to social reform beyond the United

States, publicly opposing apartheid in South Africa and anti-Semitism worldwide;

Whereas Ray Charles was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres; and

Whereas with the death of Ray Charles on June 10, 2004, in Beverly Hills, California, the Nation has lost one of its most prolific and influential musicians: Now, therefore, be it

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

(1) honors the life and accomplishments of Ray Charles Robinson;

(2) recognizes Ray Charles for his invaluable contributions to the Nation, the State of Georgia, and the American musical heritage; and

(3) extends condolences to the family of Ray Charles on the death of a remarkable man.

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

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

GENERAL LEAVE

Mr. BURNS. 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. 449.

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

There was no objection.

Mr. BURNS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 449.

Mr. Speaker, this resolution recognizes the musical genius of one of Georgia's and America's greatest entertainers. It also recognizes the heroic struggle that Ray Charles Robinson began at the age of 7 to overcome the obstacle of blindness and to go on to become an international music superstar. But perhaps more importantly it also places in the CONGRESSIONAL RECORD for posterity his contribution to Dr. Martin Luther King's drive to end segregation, his worldwide campaign against apartheid and against anti-Semitism.

It is particularly significant to me that Ray Charles' greatest recorded public stand against segregation took place in the heart of the 12th District of Georgia. In Augusta, Georgia, Ray Charles' concert had separated black and white fans and suggested that they had to be seated in different areas of the concert hall. Ray refused. He refused to play unless folks were allowed to sit where they wanted. He was sued. He broke his contract and lost a lot of money. But he stood firm. He stood firm for his beliefs, and he stood firm in Georgia. Today we can all sit together in that same theater because of the courage and conviction of Americans like Ray Charles and Martin Luther King and my friend and colleague from Georgia, John Lewis.

For many Americans like me, it is amazing to hear Ray Charles sing ''Georgia on My Mind'' and ''America the Beautiful.'' He sings it with conviction, affection and style, that no one else ever has and no one else ever will. In spite of the offense of segregation and bigotry, he kept his love of State and of Nation while working to make both of them a better place. Ray Charles had already arrived where the rest of us needed to be.

With this resolution, we recognize not only a great musician and a great entertainer but a great Georgian and a great American.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 449 to honor the lifetime achievements of Ray Charles. I join my colleagues in mourning his recent passing, and I thank my lucky stars that I have seen him in concert many times. Ray Charles overcame childhood poverty, the loss of his eyesight at age 6, and the loss of both of his parents by the age of 15 to become a 12-time Grammy award-winning performer.

Ray Charles was a gifted pianist and saxophonist, but his greatest gift was his songs. He sang the blues, country, rock, big band swing, jazz, even classical. Many credit Ray Charles with the beginning of soul music when he combined gospel and rhythm and blues in his first recording, ''I Got a Woman.''

Ray Charles' version of ''Georgia on My Mind'' became the official song of his native State of Georgia and his performance of ''America the Beautiful'' gave new life and a new audience to a patriotic standard that we did not know before. But whatever Ray Charles sang in whatever style, he started from his very roots, the black American music that became the soul of his music.

It is fitting that Members from both sides of the aisle join together to honor Ray Charles, because he was not political. His music was his politics, and it embraced all listeners equally. Ray Charles' music broke down all barriers, and united his audience in appreciation. Ray Charles will be deeply missed. We are fortunate that his music will live on forever and forever.

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

Mr. BURNS. Mr. Speaker, it gives me great pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT), someone who worked diligently to recognize Ray Charles in the State House of Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, what a great day this is for this House of Representatives to set this moment in time aside to honor one of the world's most distinguished citizens. Born into searing, piercing poverty in 1930 at the start of the Great Depression; born when he could fully see, but by the time he was 7 years old he was completely blind; lost his brother at age 5, his mother at age 15, his father absent, Ray Charles, alone in the world.

But he had a genius. He had a gift deep inside of him. And his mother had the good fortune of placing him in the Florida School for the Blind, and there Ray Charles found his way to a piano. And then he learned how to play the guitar, the saxophone, the drums. What a musical genius. The hits came: ''Hit the Road, Jack,'' ''That Lucky Old Sun,'' ''I Can't Stop Loving You.'' All of these great songs were manifested by the arena and the environment in which Ray Charles grew up. He got the gospel from the church. He got the blues from the honky tonks and the juke joints. He got his classical training where he could play Chopin, Strauss, and Beethoven. No musical genre did Ray Charles not capture. The beauty of it all was that Ray Charles transcended racial lines, economic lines, so that no matter where your standing in life, when you heard Ray Charles' voice, you felt it deep in the marrow of your bones.

Mr. Speaker, I am so pleased and so delighted to be here to join with my other colleagues in giving this genuine hero, who survived and achieved in spite of the odds, his due recognition. So many songs he sang, ''That Lucky Old Sun'' and, of course, ''America the Beautiful'' which touched everyone; but there was no song that captured Ray Charles as much as ''Georgia on My Mind.''

I first met Ray Charles as a member of the House of Representatives. We invited him on the floor and he had that piano there because in 1979 when I was in the Georgia House, we passed a resolution not just honoring Ray Charles but making ''Georgia on My Mind'' our State song. I can see Ray Charles there now at that piano stool, swaying to and fro and saying:

Georgia, Georgia, a song of you
Comes as sweet and clean as moonlight through the pines.
Other arms reach out to me
Other eyes smile tenderly
Still in peaceful dreams I see
The road leads back to you.
Georgia, Georgia, no peace I find
Just an old sweet song keeps Georgia on my mind.

Just an old sweet song will forever keep Ray Charles on our minds and in our hearts, for he has left us a rich legacy of music, of culture, of art that will live on forever. It was Frank Sinatra, Old Blue Eyes himself, Chairman of the Board, who said it best about Ray Charles: ''Ray Charles is the only genius in our business.'' No more apt words coming from Frank Sinatra himself.

Mr. Speaker, Ray Charles was not just an American treasure. Ray Charles is and will forever be a world's treasure. We thank God Almighty for blessing us mightily by sending Ray Charles our way. God bless Ray Charles, and we thank Ray Charles.

□ 1045

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, today I rise in support of H. Con. Res. 449, a bill to celebrate the life of Ray Charles.

Mr. Speaker, I want to thank the gentlewoman from California, my friend, for yielding me this time, the place where Ray Charles spent many wonderful and great years. I also want to thank the gentleman from the State of Georgia, my friend, for bringing this resolution forth.

This native of Georgia, son of America, citizen of the world, was born to sing. He was born to make music. Whether Gospel, blues, country, or rock, he had the rare ability to reach the depth of our souls.

After losing his sight at a very young age, Ray Charles perfected his voice, a voice that transcended race, color, and class. Through songs like ''Georgia on My Mind,'' ''America the Beautiful,'' ''Hit the Road Jack,'' ''What I'd Say,'' ''Spirit in the Dark,'' and ''I Can't Stop Loving You,'' he spoke to the hearts and souls of millions and became a pivotal figure in modern American and world music.

But, Mr. Speaker, Ray Charles's commitment did not just end with music. He was also committed to equality for all, by providing personal and financial support in the fight for civil rights. Ray Charles dedicated his life to uniting a divided America and bringing the world community a little closer. He was very supportive of education. He gave millions of dollars to Morehouse College in Atlanta.

For more than 60 years, Ray Charles blessed us with his music, and, Mr. Speaker, I believe we will never see his likeness again.

I thank Ray Charles. I thank him for his service. I thank him for giving his heart, his soul, his very being for the benefit of all human kind. Our world, our Nation, is a little bit better because Ray Charles passed this way with his music, with his heart, with his soul.

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

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman from Georgia and the gentlewoman from California for bringing forth this very supportive resolution. And I speak this morning to pay tribute to one of the greatest singers, songwriters, and composers of the 20th and the 21st Century, Ray Charles. I must tell the Georgians that California also claims Ray Charles as a native son.

Ray Charles, born Ray Charles Robinson on September 23, 1930, in Albany, Georgia, started his interest in music at the young age of 3 and eventually learned to read and write music in Braille, as well as play a number of instruments including the trumpet, organ, alto sax and the piano.

He scored his first big hit in 1959 with the song ''What I'd Say'' and went on to win 12 Grammy Awards, with nine awards between 1960 and 1966.

Of course, Ray Charles would record many hit records during the course of his career, including ''Hit the Road Jack''; ''I Can't Stop Loving You,'' ''Busted''; ''Born to Lose''; ''Take These Chains from My Heart; and the State song of Georgia, ''Georgia on My Mind.''

His version of ''America the Beautiful,'' like most of his songs, will be considered America's classic for generations to come. He won his last Grammy in 1993 for ''A Song for You.''

Ray Charles was a unique musician, Mr. Speaker, because of his ability to cross musical genres to create a fresh and exciting new sound. Not only did his music and words reach all types of audiences, he also commanded a strong stage presence with his personality and infectious smile warming our hearts.

He was so popular, in fact, that he became a television spokesman for a soft drink company telling viewers they picked the right choice and they picked the right one with the familiar ''uh huh'' refrain.

Mr. Speaker, Ray Charles was inducted into the Blues Foundation's Hall of Fame in 1982 and was inducted into the Rock and Roll's Hall of Fame in its inaugural year 1986. And I was honored last year to be at the NAACP Gala in Los Angeles when they gave him the highest award, the America's Outstanding Citizen and Entertainer of the Decade Award.

I would like to extend my condolences to the family, friends and fans of Ray Charles. Oh, how beautiful America was with the genius of Ray Charles.

Ray Charles, ''I Can't Stop Loving You.''

I support this resolution.

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

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

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

Ray Charles was a musical genius, a great American, someone who stood for the rights of others. His life and his work will live forever through his music and through his legacy.

I urge my colleagues to support H. Con. Res. 449 honoring the life and service of Ray Charles Robinson.

Mr. LINDER. Mr. Speaker, I rise in support of H. Con. Res. 449 and commend my friend and colleague, Mr. BURNS of Georgia, for bringing this resolution, honoring the life and many accomplishments of the late Ray Charles, to the House floor for consideration today.

Ray Charles was born in Albany, Georgia on September 23, 1930. When he was only seven, he lost his eyesight to glaucoma. As a teenager, his family sent Ray to the St. Augustine School for the Deaf and Blind, where he learned to read and write music in Braille.

At the age of 15, Ray graduated from St. Augustine and went out on the road as a traveling musician. Throughout the 1950s, his young career began taking off, as evidenced by the fact that during this period of his career, he played at Carnegie Hall and the Newport Jazz Festival.

From 1960 to 1966, he won 9 of his 12 Grammy awards, as he forged a unique style, incorporating elements of jazz, blues, country and western, swing, and gospel. In addition he was a very talented pianist, who could also play the saxophone and had a voice that was distinctive in both tone and range.

A few of his major hits include "What'd I Say," "Hit the Road, Jack," "I Can't Stop Loving You," and "Georgia on My Mind," which became the state's official song as he made it one of his signature performances.

Amazingly enough, his popularity continued well into the 1990s, almost 40 years after he started. In 1993, he won his last Grammy for "A Song For You."

Sadly, Ray Charles died earlier this month, at the age of 73 on June 10, 2004 after a lengthy illness.

Ray Charles once stated "I just want to make my mark, leave something musically good behind." It is certain that he left more than something "musically good behind"—he left behind a legacy as one of the finest and greatest American musicians of the late 20th century. He will be sorely missed.

I urge all of my colleagues in the House to join me in approving this measure.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Con. Res. 449, which honors the life and accomplishments of Ray Charles, recognizes his contributions to the Nation, and extends condolences to his family on his death earlier this month on June 10, 2004.

Born in 1930, in Albany, Georgia, Ray Charles (nee Ray Charles Robinson) entered this world handicapped by racial segregation, poverty, and later blindness at age 6. Yet, these crippling circumstances conversely empowered the young Charles as he rose to be one of the most prominent icons in popular culture. Spanning over three decades of success, Ray Charles inspired all Americans, especially those in the African American community, to persist and aspire despite adversity.

Mr. Speaker, Ray Charles revolutionized music through his unique ability to interweave the cultural rhythms of soul music, the harmonies of jazz, and the sentiment of country-western. This exceptional fusion offered the mainstream audience an opportunity to partake in a truly moving musical experience that defied the boundaries of genre specific music. His talent and foresight were justly rewarded with three number one hits, twelve Grammys, a star on the Hollywood Boulevard Walk of Fame, induction into the Rock and Roll Hall of Fame, Jazz Hall of Fame, as well as the Rhythm and Blues Hall of Fame. However, the accolades are merely a superficial indicator of the far-reaching implications of Ray Charles' life.

Mr. Speaker, Ray Charles was an advocate of civil rights for all, not only through his music but also through his political actions. Mr. Charles joined Dr. Martin Luther King Jr. in his fight for civil equality and saw himself "carrying the cross" for all African Americans. In 1962 he became the Honorary Chairman for the National Association for Sickle Cell Disease, and in 1975 was this organization's first, "Man of Distinction". Additionally, around this time, Ray Charles began to expand his sphere of influence as he supported anti-apartheid movements in South Africa, and participated in meetings with leaders like, Prime Minister David Ben-Gurion to discuss the status of Jews in Israel.

These activities show that Ray Charles enriched our lives in ways beyond his memorable songs like "Georgia On My Mind"—one of my favorites, and many recognized his efforts. In fact, in 1983 the NAACP honored him with an induction into their Hall of Fame noting his outstanding contributions to the African American community. He also participated in the historic, "We are the World" recording, which supported funding for the starving children in Africa. In 1986, Mr. Charles was doubly honored, first when he was made the Commander of Fine Arts and Letters by the French Government and second in Washington DC, when he was recognized in the prestigious Kennedy Center Honors ceremony.

Mr. Speaker, in April 1987, Ray Charles expounded upon his advocacy work, with a personal endowment of one million dollars to the Robinson Foundation for Hearing Disorders—a move that solidified his genuine philanthropic interests. In the following years these genuine interests were rewarded with honors such as: The National Medal of Arts from former President Clinton, the Lifetime Achievement Award from the Black Achievement Awards committee, as well as the Helen Keller Achievement Award from the American Foundation for the Blind.

It is with bittersweet emotions that I stand in front of you today. Bitter as I mourn the loss of an American treasure, and send condolences to his family—sweet as I remember the legacy of a man who changed the lives of Americans forever.

I want to thank my esteemed colleague from the state of Georgia, Representative MAX BURNS, for his leadership in sponsoring this important piece of legislation.

Once again, I urge all of my colleagues to support passage of H. Con. Res. 449.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 449.

The question was taken.

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

Ms. WOOLSEY. 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.

RECOGNIZING THE IMPORTANCE OF BLUES MUSIC

Mr. BURNS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 13) recognizing the importance of blues music, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 13

Whereas blues music is the most influential form of music indigenous to the United States, providing the roots for contemporary music heard around the world such as rock and roll, jazz, rhythm and blues, and country, and even influencing classical music;

Whereas the blues is a national historic treasure, which needs to be preserved and studied for the benefit of future generations;

Whereas blues music documents twentieth-century United States history, especially during the Great Depression and in the areas of race relations and pop culture;

Whereas the various forms of blues music trace the transformation of the United States from a rural, agricultural society to an urban, industrialized country;

Whereas the blues is an important facet of African-American culture in the twentieth century;

Whereas every year, people in the United States hold hundreds of blues festivals, and millions of new or reissued blues albums are released;

Whereas blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music;

Whereas it is important to educate the young people of the United States so that they understand that the music they listen to today has its roots and traditions in the blues; and

Whereas there are many living legends of blues music in the United States who should be recognized and have their stories captured and preserved for future generations: Now, therefore, be it

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

(1) recognizes the importance of blues music with respect to many cultural developments in United States history;

(2) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the importance of the blues; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the importance of the blues with appropriate ceremonies, activities, and educational programs.

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

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

GENERAL LEAVE

Mr. BURNS. 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. 13.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 13, which recognizes the importance of blues music. Blues music is one of the most influential forms of music indigenous to the United States and has inspired contemporary music heard around the world including rock and roll, jazz, rhythm and blues, and country.

Blues music documents 20th Century United States history, especially during the Great Depression and in the areas of race relations and pop culture. Various forms of blues music traced the transformation of the United States from a rural, agricultural society to an urban, industrialized country, and the blues is an important facet of the African American culture in the 20th Century.

Accordingly, blues music is considered by many a national historic treasure, which needs to be preserved and studied for the benefit of future generations. Every year people in the United States hold hundreds of blues music festivals, and millions of new or reissued blues albums are released, and blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music.

House Concurrent Resolution 13 is simple and straightforward. It recognizes the importance of blues music with respect to many cultural developments in United States history. It calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the importance of the blues and requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the importance of the blues with appropriate ceremonies, activities, and educational programs.

I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 13, which the gentleman from Tennessee (Mr. FORD) introduced to recognize the importance of blues music.

The blues is an entirely American art form. It began with slaves as a way of communicating their experiences, their faith, their pain. The earliest form of the blues is thought to be the field holler, which gave voice to the extreme suffering and oppression in the construction camps of the South. The field holler grew into the spiritual, which became the basis for the blues.

The blues began as an oral tradition and were not written down until the early 1900s when W.C. Handy began performing and publishing songs that he had heard. Handy's "Memphis Blues" and "St. Louis Blues" are credited with spreading the popularity of the blues among African American audiences.

In the 1920s, the blues became a national craze. Recordings by Bessie Smith and Billie Holiday, leading blues singers, sold in the millions, and the influence of the blues can be seen both in jazz and in pop music today.

Although the blues is deeply rooted in the American black experience, listeners of all backgrounds can identify with the loneliness and the longing of the blues. The blues is truly universal.

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

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

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. FORD), the author of this resolution.

Mr. FORD. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Georgia (Mr. BURNS) and to all my colleagues who played a role in recognizing this important art form.

I join with all of my colleagues in expressing my condolences and appreciation for the enormous contributions over the years that Mr. Charles made to American music. As many of the Members know, and as has been touched on already this morning by the gentleman from Georgia (Mr. LEWIS) and the gentleman from Georgia (Mr. BISHOP) and many others, the contribution that blues music had on Ray Charles and to American music as a whole cannot be understated.

Ray Charles was one of the first artists to combine the blues genre with gospel and country and jazz to perform and really evolve into a genre known as soul music, which has become a staple of the Memphis music scene, which the core and the heart of my congressional district in Tennessee. Ray Charles was inducted into the Blues Foundation Hall of Fame in 1982, another foundation located in Memphis.

The blues is one of America's greatest and original musical treasures. As the gentlewoman from California (Ms. WOOLSEY) has noted, it is a music form that evolved out of African American work songs, field hollers, and spirituals and early string band sounds more than a century ago. As a matter of fact, the blues is the very foundation of so much of what came out of the 20th Century, including rhythm and blues; rock and roll; my generation's favorite, hip hop; and even neoclassical.

Blues music is the most celebrated form of indigenous American music, with hundreds of festivals held and thousands of new or reissued blues albums released each year in the United States and around the world.

Most musical historians agree that popular blues music as we know it today originated somewhere in the Mississippi River delta, a blend of African American spirituals and folk and country music that had moved west from the Appalachian mountains.

On a lonely platform in Tutwiler, Mississippi in 1903, W.C. Handy, widely regarded as the ''Father of the Blues,'' first heard the music that he would imitate in a recording studio in Memphis that would become the first release of blues music for distribution throughout the Nation.

From these initial recordings, a new form of music would move to the forefront of American pop culture, a form of music that reflected the American experience, a story of hardship, determination, and ultimately freedom.

□ 1100

Promulgated and developed by such icons as Muddy Waters, Howlin' Wolf, Etta James, Koko Taylor, and the great B.B. King, blues music remains a living documentary of American history. From the migration from a rural, agricultural society to an urban industrialized nation, to the collective struggle during the Great Depression, to the improvement in race relations, to the development of pop culture, blues music reflects the experience, emotions and lessons of our history.

I want to acknowledge and thank the Blues Foundation again, which helps keep the blues alive and its heritage alive by promoting music educational initiatives, supporting new and existing artists, and recognizing achievements in blues music with the yearly W.C. Handy Awards, which this year celebrated their 25th anniversary, as well as the Keeping the Blues Alive Awards presented each year to nonperformers who have made contributions to the maintenance and expansion of the blues world.

Among the most important initiatives, the Blues Foundation, in partnership with Seattle's Experience Music Project, is the Blues in the Schools program, which helps K through 12 educators integrate the blues into practical classroom learning, something we in this Congress should support more of.

Through unique and exciting programs like Blues in the Schools, today's teachers are finding new ways to involve students and get them interested in learning. I believe that such efforts should be commended, encouraged and replicated; and I thank my colleagues again for bringing this resolution to the floor today.

The blues is as honest a musical form as it is uplifting. The blues is life, with all its ups and downs intact.

I ask my colleagues to support this resolution, so that organizations like the Blues Foundation and the Experience Music Project may receive the recognition they deserve for working not only to promote blues music but to use it as a tool to inspire and teach new generations about America's unique and vibrant history.

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

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is indeed a pleasure to stand to recognize the great original music genre, the blues, born in the Delta and having made its way up through Chicago, throughout this Nation and around the world, brought the legacies of such great giants as B.B. King and Muddy Waters, and paved the way for folks like Elvis Presley.

As a matter of fact, Elvis Presley once said, ''I wouldn't be Elvis Presley if it weren't for the blues and if it weren't for gospel music.''

The great contributions have been unparalleled in terms of American music. Rock and roll, even our jazz components, are based upon our music.

Grown from the pains of the South, of black slaves working on plantations in the hot sun, only a song in their mouths was what kept them going. Blues emanated from the struggles and from the hard lives of African Americans in this country. So, indeed, when we celebrate the blues, we celebrate the overcoming of the African American people, in spite of.

Once when B.B. King was asked what makes the blues, B.B. King said, ''You make the blues by singing to make you happy when often times you are sad. When you have trouble in mind and you are blue, you can say I won't be blue always, because the sun is going to shine at my back door some day.''

The blues, a great contribution to America. I am proud to join with my colleagues in recognizing this great musical genre.

Mr. BURNS. Mr. Speaker, I continue to reserve my time.

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding me time.

Mr. Speaker, I rise to celebrate along with my colleagues and recognize the importance of the blues. Some have called the blues the native musical and verse form in America, with a great blend of European and African traditions.

During the 1920s, blues became a national craze. Records by leading blues singers like Bessie Smith and later, in the 1930s, Billie Holiday, sold in the millions. The 1920s also saw the blues become a musical form more widely used by jazz instrumentalists as well as blues singers.

During the decades of the 1930s and 1940s, the blues spread northward with the great migration of many blacks from the South and entered into the repertory of big band jazz. The blues also became electrified with the introduction of the amplified guitar.

In some northern cities, like Chicago and Detroit, during the later 1940s and 1950s, Muddy Waters, Willie Dixon, John Lee Hooker, Howlin Wolf and Elmore James, among others, played what was basically Mississippi Delta blues, backed by bass, drums, piano and occasionally harmonica, and began scoring national hits with blues songs.

Each year the city of Chicago has its Blues Festival, holding the 21st festival this year, with great talent from up and down the Mississippi River to delight thousands of blues fans. I am proud to represent the district where the Blues Fest is held, where many great blues clubs are still singing the blues and be part of one of the greatest cities that is home to some of the greatest blues musicians. Otis Clay, Tyrone Davis, Cicero Blake, Lil' Shorty and Inez Davis are just a few that Chicago holds close to its heart and are the pride of our city's culture.

But Chicago would not be complete without the man known in Chicago and

by blues lovers all over the world as the Blues Man, the voice of WVON radio, Pervis Spann, who has distinguished himself as a broadcaster, exposing generations to the blues. Starting to promote the blues in the 1950s, he actually used it to move to the point where he actually owns the radio station, and not only that radio station, but other radio stations throughout America.

So I am pleased to simply be here to pay tribute to not only the blues but to the great individuals who have become business persons, who are civic and community leaders, who not only showcase talent, but also showcase life.

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

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

Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Tennessee (Mr. FORD), for his leadership in H. Con. Res. 13, recognizing the importance of blues music. The blues is America's music. The blues celebrates life, it celebrates growth, it celebrates struggles; but I think most of all it celebrates America's progress.

I urge strong, bipartisan support for this resolution.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Con. Res. 13, which recognizes the importance of blues music and requests a Presidential proclamation to observe the importance of the blues with appropriate ceremonies, activities, and educational programs.

Mr. Speaker, the blues is the most influential native form of music in the United States. The origins of blues music are founded in the unique fusion and harmony between African and European music. In the midst of its early stages as a folk music, the blues served as a treasure to history—documenting landmark events of our Nation's past, particularly slavery, segregation and the Great Depression. The evolving forms of blues music trace the transformation of the United States from a rural to an industrialized country, segregated to unsegregated. With unyielding contributions to the past, the blues will undoubtedly remain a staple of American music culture.

Mr. Speaker, I would also like to highlight that the blues was a significant aspect of African American culture in the twentieth century. African American men and women first sang the blues to recount their struggles through song. This pastime developed into an inspiring art form. Timeless artists, such as the great Muddy Waters, John Lee Hooker, Bessie Smith, Ray Charles and a host of others cultivated this pervasive musical genre making the blues a classic art form. Driven by humble beginnings, the blues has created a platform for the traditional and popular music genres of jazz, country, rhythm and blues, rock and roll and classical music. Blues musicians are globally recognized and respected as they share this gift with the world.

Mr. Speaker, it is very fitting that we now acknowledge the contributions of blues with the passing of renowned musician, Ray Charles. The accomplishments of Ray Charles made a considerable impact on the Nation's musical imprint—with his unique abilities to create and transform music that touched our souls with such original compositions of his blues-filled rendition of America the Beautiful. Also, it is equally worth noting that in 2003 America celebrated 100 years of blues influence that began with the first blues piece compiled by W.C. Handy.

Finally, Mr. Speaker, the blues is celebrated throughout the country with hundreds of festivals and a myriad of new and classic album releases each year. Home to one of these many celebrations, is my Congressional district, Baltimore City, which recently hosted its own 10th annual Baltimore Blues Festival in recognition and celebration of this great musical art form.

Mr. Speaker, the blues is a musical art style that deserves historical preservation through many forms, including ceremony, festivities and educational initiatives. I believe it is essential to educate the Nation and the rest of the world, about how heavily rooted contemporary music is in the blues. The blues dovetails with America's struggle to create a society where all people enjoy equal rights. That is why we love the blues and that is why we identify with the blues.

I would like to thank my esteemed colleague from the state of Tennessee, Representative HAROLD FORD, Jr., for his leadership in sponsoring this important piece of legislation. I urge my colleagues to lend their support to its passage.

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

The SPEAKER pro tempore (Mr. GRAVES). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 13, 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.

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

The yeas and nays were ordered.

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

EXPRESSING SENSE OF CONGRESS REGARDING EXERCISING INCREASED CAUTION FOR DRIVING IN PROXIMITY OF POTENTIALLY VISUALLY IMPAIRED INDIVIDUALS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

Whereas many people in the United States who are blind or otherwise visually impaired have the ability to travel throughout their communities without assistance;

Whereas visually impaired individuals encounter hazards that a pedestrian with average vision could easily avoid, many of which involve crossing streets and roadways;

Whereas the white cane and guide dog should be generally recognized as aids to mobility for visually impaired individuals;

Whereas many States do not require candidates for driver's licenses to associate the use of the white cane or guide dog with potentially visually impaired individuals; and

Whereas visually impaired individuals have had their white canes and guide dogs run over by motor vehicles, have been struck by the side-view mirrors of motor vehicles, and have suffered serious personal injury and death as the result of being hit by motor vehicles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that each State should require any candidate for a driver's license in such State to demonstrate, as a condition of obtaining a driver's license, an ability to associate the use of the white cane and guide dog with visually impaired individuals and to exercise greatly increased caution when driving in proximity to a potentially visually impaired individual.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

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

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

Mr. Speaker, H. Con. Res. 56 expresses the sense of 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.

Hundreds of visually impaired individuals have had their white canes and guide dogs run over by motor vehicles, have been struck by the sideview mirrors of motor vehicles, and have suffered serious personal injury and death as a result of being hit by cars.

Unfortunately, many States do not require candidates for driver's licenses to associate the use of the white cane or guide dog with potentially visually impaired individuals.

With a little education by the States, and some extra attention paid by drivers, we can greatly improve the safety along our surface streets for those individuals who are visually impaired.

Mr. Speaker, I urge the passage of H. Con. Res. 56.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 56, which expresses the sense of Congress that States should require candidates who apply for a driver's license to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

More than 1 million individuals are blind in the United States. Many more

are visually impaired. They face many obstacles in their daily lives and travels.

Visually impaired people, including the blind, are particularly at risk when they come in close proximity with motor vehicles when they walk along or cross a street. They are often unaware of vehicular traffic nearby that could pose a serious threat to their safety.

Although many of the blind are familiar with ways to reduce the risk and behave accordingly, their safety is still very much dependent upon the driver's ability to recognize their presence and to exercise greater caution in operating their vehicle.

H. Con. Res. 56 is an attempt to raise the driver's awareness to the blind and visually impaired pedestrians. They need to know that the use of a white cane or a guide dog signals a visually impaired individual.

To ensure that all licensed drivers have such knowledge, H. Con. Res. 56 expresses the sense of Congress that each State should require license applicants to demonstrate an ability to associate the use of the white cane or guide dog with visually impaired individuals and to exercise greater caution when driving in their proximity before being granted a driver's license. This is a simple requirement, which will greatly enhance the safety of the visually impaired.

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

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

Mr. EVANS. Speaker, I rise in full support of H. Con. Res. 56.

There are 1.5 million visually impaired Americans struggling to gain and maintain their independence. Many gain independence through the use of aids to mobility, such as white canes and guide dogs.

Unfortunately, not all licensed drivers recognize the significance of pedestrians using these canes or these dogs. They do not make the connection that the user of these mobility aids may be blind. They do not exercise increased caution while driving in proximity to pedestrians using these mobility aids.

Some blind individuals have had their white canes broken by motorists not exercising caution as they drive in close proximity. Others have suffered serious personal injury caused by careless drivers.

This resolution will make pedestrian travel a little safer for the visually impaired individuals using mobility aids. It is a near-zero-cost motion to encourage States to update their requirements for award of driver's licenses to reflect the need to recognize mobility aids for the blind and the need to increase greatly increase caution while driving near individuals using these aids.

□ 1115

The resolution has been fully supported by major associations for the blind, principally the American Council for the Blind, the American Foundation of the Blind, and the Blinded Veterans Association. It also has the support of the American Association of Motor Vehicle Administrators.

I urge my colleagues to support this commonsense resolution and make America's crossroads safer for the blind.

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

Mr. LATOURETTE. Mr. Speaker, I will yield myself the remainder of our time.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for drafting this concurrent resolution. It is a good idea. I think it is sound policy and urge our colleagues to support it.

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

The SPEAKER pro tempore (Mr. GRAVES). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 56.

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.

LUIS A. FERRÉ UNITED STATES COURTHOUSE AND POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2017) to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferré United States Courthouse and Post Office Building''.

The Clerk read as follows:

S. 2017

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

SECTION 1. LUIS A. FERRÉ UNITED STATES COURTHOUSE AND POST OFFICE BUILDING.

(a) DESIGNATION.—The United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, shall be known and designated as the ''Luis A. Ferré United States Courthouse and Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper or other record of the United States to the courthouse and post office building referred to in subsection (a) shall be deemed to be a reference to the Luis A. Ferré United States Courthouse and Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

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

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

Mr. Speaker, S. 2017, which is identical to a bill that was introduced by our colleague, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), designates the building located at 93 Atocha Street in Ponce, Puerto Rico, as the Luis A. Ferré United States Courthouse and Post Office Building.

Luis Ferré was born in 1904 in the town of Ponce, Puerto Rico, just after the transition from Spanish to American control. In 1917 at the age of 13, Luis Ferré and the people of Puerto Rico received citizenship from the United States. Leveraging this advantage, Luis Ferré attended the Massachusetts Institute of Technology and graduated with a bachelor's degree in engineering in 1924.

Upon graduation, Luis Ferré returned to his native Puerto Rico to work in his family business, the Puerto Rican Cement and Iron Works. He eventually took over and built the business into a hugely successful enterprise.

Having made his mark in business, the ever-ambitious Ferré attempted to conquer politics. His first experience was as a mayoral candidate for his home city of Ponce in 1940. However, he quickly set his sights higher. In 1952, the year before Puerto Rico achieved commonwealth status, he won a seat in the Puerto Rican House of Representatives.

Using this new political independence, and driven by his love for Puerto Rico and his experiences in the United States, he began to mobilize his resources in the cause of statehood. In 1967 he founded the New Progressive Party. The next year he ran and won the gubernatorial election, a position he held for one term, from 1969 to 1973. In that position he was a champion for the statehood movement and is still remembered for his efforts.

In addition to his business in political activities, Luis Ferré was an avid supporter of the arts. In 1965, he founded the Museo de Arte de Ponce. The museum houses an impressive collection of art from the medieval times to the present. It has become a major cultural attraction in his home city.

Luis Ferré was a dedicated scholar, entrepreneur, statesman, and humanitarian. He passed away in October 2003 and is buried in his hometown of Ponce. This is a fitting tribute to a dedicated Puerto Rican, and I urge my colleagues to join me in supporting passage of this bill.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2017 is a bill to designate the building located at 93 Atocha Street in Ponce, Puerto Rico, as the Luis A. Ferré U.S. Courthouse and Post Office.

Luis A. Ferré was born in 1904 in Ponce, Puerto Rico. He received his

bachelor's degree and master's degree from the Massachusetts Institute of Technology. He was also an accomplished pianist who studied at the New England Conservatory of Music in Boston and recorded albums with the noted Puerto Rican pianist Jesus Maria Sanroma.

In 1925 he began his business career at the Puerto Rico Iron Works. In 1940 he moved to the Puerto Rican Cement Company, and by 1960 he was the vice chairman of the company.

In 1937 he founded the Ponce Public Library, and in 1940 he ran for mayor of Ponce. In 1950 he founded the Luis A. Ferré Foundation, which resulted in the creation of the Ponce Museum of Art, considered to be one of the most important museums in the world. The museum was designed by Edward Durrell Stone, who also designed the John F. Kennedy Center here in Washington, D.C.

In 1968 Luis A. Ferré was elected Governor under the New Progressive Party banner and served until 1972. While Governor, he provided many benefits to workers, including shorter work weeks and maternity leave. He provided ownership of land, strengthened the industrial development program, and made possible the applicability of the food stamp program for Puerto Ricans.

In 1977 until 1980, he served as president of the senate. He also served as State chairman and national committeeman of the Republican Party in Puerto Rico. In 1991 he was awarded the Presidential Medal of Liberty.

Ferré was known as an intellectual, a lover of the arts, a brilliant politician, and generous benefactor. This designation is a most fitting tribute to his illustrious career.

I support S. 2017 and urge its passage.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today in strong support of S. 2017, the Luis A. Ferré United States Courthouse and Post Office Act. I introduced a counterpart bill, H.R. 3742, which was unanimously approved by the House Transportation and Infrastructure Committee. I wholeheartedly thank Senator SANTORUM for introducing S. 2017, and Chairman YOUNG and Congressman OBERSTAR for their leadership in shepherding this bill through their committee.

I ask for my colleagues' support of this bill, which honors the life and legacy of Luis A. Ferré, by designating the U.S. Courthouse and Post Office building located at 93 Atocha Street in his hometown of Ponce, Puerto Rico, as the "Luis A. Ferré United States Courthouse and Post Office Building".

Luis Ferré passed away on October 21, 2003, at the age of 99, after an exemplary life of statesmanship, political leadership, entrepreneurship, advocacy for social justice, and patronage for the arts.

Mr. Ferré was born on February 17, 1904, in Ponce, Puerto Rico, the son of Antonio Ferré Bacallao and Mary Aguayo Casals. He graduated in 1924 with a degree in Engineering from the Massachusetts Institute of Technology, where he was later appointed to the Board of Trustees. He entered his professional life in 1925, working for Puerto Rico Iron Works and, subsequently, for Puerto Rican Cement, both family companies that were part of the Ferré Enterprises.

Mr. Ferré ran for public office for the first time in 1940, as a mayoral candidate for the city of Ponce. He was a member of the Constitutional Convention of the Commonwealth of Puerto Rico. He was elected to the Puerto Rico House of Representatives and ran for Governor of Puerto Rico as the Republican Statehood candidate in 1956, 1960, and 1964. In 1967, he founded the New Progressive Party, and was elected Governor in 1968, a position he held from 1969 to 1972. As Governor, some of his key initiatives were the creation of a Christmas bonus for private and public employees, the construction of Las Americas Highway, the right to vote for all citizens from age 18, and the Food Stamp Program.

He was also President of the Puerto Rico Senate from 1977 to 1980, and continued serving as Senator from 1981 to 1984. Mr. Ferré acted as President of the National Republican Party in Puerto Rico for over 4 decades.

Besides his interest in the industrial development of the Island and his involvement in the public life of Puerto Rico, he was known for his support and dedication to the arts, which led him to open the Ponce Museum of Art, considered as one of the most important museums in Latin America. A Puerto Rico bill presented in 1980 allowed the creation of the Performing Arts Center in San Juan, which now bears his name.

Among his many recognitions and decorations, he received the Presidential Medal of Freedom, the highest distinction awarded to a civilian by the Government of the United States. He has also been honored by numerous institutions in Puerto Rico, New York, Wisconsin, Florida, and several other States, as well as by the Dominican Republic. During his long life, he received around 15 "honoris causa" doctorates from the University of Puerto Rico, the Inter American University of Puerto Rico and the Pontifical Catholic University of Puerto Rico, among others, as well as from the Boston Conservatory of Music, Amherst College, Harvard University, and Florida International University.

He served as a member of the board of directors of several institutions, including the Hospital de Damas de Ponce, the Pontifical Catholic University of Puerto Rico, and the Luis A. Ferré Foundation.

In October 2002, the Smithsonian Institution's Woodrow Wilson International Center in Washington, DC, presented Mr. Ferré with its Award for Public Service.

Mr. Speaker, this designation will serve as a memorial to the exemplary legacy of Luis Ferré. I urge my colleagues to support the Luis A. Ferré United States Courthouse and Post Office Act, and in so doing to honor the life and legacy of Luis A. Ferré.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2017.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 2017 and H. Con. Res. 56, the measures just considered by the House.

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

There was no objection.

CAPE TOWN TREATY IMPLEMENTATION ACT OF 2004

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4226) to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty," as amended.

The Clerk read as follows:

H.R. 4226

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 "Cape Town Treaty Implementation Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Cape Town Treaty (as defined in section 44113 of title 49, United States Code) extends modern commercial laws for the sale, finance, and lease of aircraft and aircraft engines to the international arena in a manner consistent with United States law and practice.

(2) The Cape Town Treaty provides for internationally established and recognized financing and leasing rights that will provide greater security and commercial predictability in connection with the financing and leasing of highly mobile assets, such as aircraft and aircraft engines.

(3) The legal and financing framework of the Cape Town Treaty will provide substantial economic benefits to the aviation and aerospace sectors, including the promotion of exports, and will facilitate the acquisition of newer, safer aircraft around the world.

(4) Only technical changes to United States law and regulations are required since the asset-based financing and leasing concepts embodied in the Cape Town Treaty are already reflected in the United States in the Uniform Commercial Code.

(5) The new electronic registry system established under the Cape Town Treaty will work in tandem with current aircraft document recordation systems of the Federal Aviation Administration, which have served United States industry well.

(6) The United States Government was a leader in the development of the Cape Town Treaty.

(b) PURPOSE.—Accordingly, the purpose of this Act is to provide for the implementation of the Cape Town Treaty in the United States by making certain technical amendments to the provisions of chapter 441 of title 49, United States Code, directing the Federal Aviation Administration to complete the necessary rulemaking processes as expeditiously as possible, and clarifying the applicability of the Treaty during the rulemaking process.

SEC. 3. RECORDATION OF SECURITY INSTRUMENTS.

(a) ESTABLISHMENT OF SYSTEM.—Section 44107(a) of title 49, United States Code, is amended—

(1) in paragraph (2)(A) by striking ''750'' and inserting ''550''; and

(2) in paragraph (3) by striking ''clause (1) or (2) of this subsection'' and inserting ''paragraph (1) or (2)''.

(b) INTERNATIONAL REGISTRY.—Section 44107 of such title is amended by adding at the end the following:

''(e) INTERNATIONAL REGISTRY.—

''(1) DESIGNATION OF UNITED STATES ENTRY POINT.—As permitted under the Cape Town Treaty, the Federal Aviation Administration Civil Aviation Registry is designated as the United States Entry Point to the International Registry relating to—

''(A) civil aircraft of the United States;

''(B) an aircraft for which a United States identification number has been assigned but only with regard to a notice filed under paragraph (2); and

''(C) aircraft engines.

''(2) SYSTEM FOR FILING NOTICE OF PROSPECTIVE INTERESTS.—

''(A) ESTABLISHMENT.—The Administrator shall establish a system for filing notices of prospective assignments and prospective international interests in, and prospective sales of, aircraft or aircraft engines described in paragraph (1) under the Cape Town Treaty.

''(B) MAINTENANCE OF VALIDITY.—A filing of a notice of prospective assignment, interest, or sale under this paragraph and the registration with the International Registry relating to such assignment, interest, or sale shall not be valid after the 60th day following the date of the filing unless documents eligible for recording under subsection (a) relating to such notice are filed for recordation on or before such 60th day.

''(3) AUTHORIZATION FOR REGISTRATION OF AIRCRAFT.—A registration with the International Registry relating to an aircraft described in paragraph (1) (other than subparagraph (C)) is valid only if (A) the person seeking the registration first files documents eligible for recording under subsection (a) and relating to the registration with the United States Entry Point, and (B) the United States Entry Point authorizes the registration.''.

SEC. 4. REGULATIONS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue regulations necessary to carry out this Act, including any amendments made by this Act.

(b) CONTENTS OF REGULATIONS.—Regulations to be issued under this Act shall specify, at a minimum, the requirements for—

(1) the registration of aircraft previously registered in a country in which the Cape Town Treaty is in effect; and

(2) the cancellation of registration of a civil aircraft of the United States based on a request made in accordance with the Cape Town Treaty.

(c) EXPEDITED RULEMAKING PROCESS.—

(1) FINAL RULE.—The Administrator shall issue regulations under this section by publishing a final rule by December 31, 2004.

(2) EFFECTIVE DATE.—The final rule shall not be effective before the date the Cape Town Treaty enters into force with respect to the United States.

(3) ECONOMIC ANALYSIS.—The Administrator shall not be required to prepare an economic analysis of the cost and benefits of the final rule.

(d) APPLICABILITY OF TREATY.—Notwithstanding parts 47.37(a)(3)(ii) and 47.47(a)(2) of title 14, of the Code of Federal Regulations, Articles IX(5) and XIII of the Cape Town Treaty shall apply to the matters described in subsection (b) until the earlier of the effective date of the final rule under this section or December 31, 2004.

SEC. 5. LIMITATION ON VALIDITY OF CONVEYANCES, LEASES, AND SECURITY INSTRUMENTS.

Section 44108(c)(2) of title 49, United States Code, is amended by striking the period at the end and inserting ''or the Cape Town Treaty, as applicable.''.

SEC. 6. DEFINITIONS.

(a) IN GENERAL.—Chapter 441 of title 49, United States Code, is amended by adding at the end the following:

''§ 44113. Definitions

''In this chapter, the following definitions apply:

''(1) CAPE TOWN TREATY.—The term 'Cape Town Treaty' means the Convention on International Interests in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, signed at Rome on May 9, 2003.

''(2) UNITED STATES ENTRY POINT.—The term 'United States Entry Point' means the Federal Aviation Administration Civil Aviation Registry.

''(3) INTERNATIONAL REGISTRY.—The term 'International Registry' means the registry established under the Cape Town Treaty.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''44113. Definitions.''.

SEC. 7. EFFECTIVE DATE AND PRESERVATION OF PRIOR RIGHTS.

This Act, including any amendments made by this Act, shall take effect on the date the Cape Town Treaty (as defined in section 44113 of title 49, United States Code) enters into force with respect to the United States and shall not apply to any registration or recordation that was made before such effective date under chapter 441 of such title or any legal rights relating to such registration or recordation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

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

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

Mr. Speaker, the Cape Town Treaty was signed by the United States on May 9, 2003, and referred to the United States Senate for ratification at the end of that year. The Senate will most likely consider ratification of the treaty in the next month or so.

Now, this action by the House today of course will not approve the Cape Town Treaty. That responsibility does lie with the other body. However, this bill takes an action to conform United States law for proper implementation of that treaty, and that is why this action today is important.

The Cape Town Treaty is vital to international commerce. It will bring the uniformity of modern commercial finance laws, already in place in the United States, to international transactions involving aircraft and also aircraft engines.

This uniformity will both greatly reduce the risks associated with aircraft and engine sales abroad, and it will also help to bring improved and newer aircraft, it will help bring them to many areas of the world that desperately need them.

The job of the Subcommittee on Aviation since I have become chairman and, even more importantly, since September 11, 2001, is to aid this industry that has been ailing. If we look at what happened since September 11, many folks refer to some 3 million jobs lost in this industry, and I can almost stand here with certainty and guarantee that half of those 3 million jobs, 1.5 million were directly related to the aviation industry. This bill is one more step in helping to revitalize that shaky industry that we have seen since September 11.

The Cape Town Treaty seeks to establish an international registry where parties having an interest in aircraft or in aircraft engine can register that interest at an international level to ensure that they remain protected.

The treaty enjoys strong bipartisan support and is also supported by the U.S. aviation industry, as well as our key government Departments, including our State Department, Department of Transportation, and Department of Commerce.

In order to fully implement the treaty and its accompanying protocol, the administration has proposed to allow the Federal Aviation Administration's Civil Aviation Registry to be the United States' so-called ''entry point'' to the international registry for relevant actions. This is a minor, but important, change in United States law, because it will ensure that upon ratification, the Cape Town Treaty and its aircraft protocol can be fully implemented. That is exactly what H.R. 4226, the Cape Town Treaty Implementation Act, proposes to do.

This is important legislation, again, that will help an industry that is still recovering from the tragic events of September 11.

In closing, I would like to thank Ambassador Ed Stimpson. Ed Stimpson is the ambassador to ICAO, which is the International Civil Aviation Organization. That international headquarters is located in Montreal, and Ed Stimpson does a great job in representing United States aviation interests on that international body. So I wish to thank him for bringing the need to implement this needed legislation before the House of Representatives and also his leadership in trying to help revitalize our industry, both that produces large aircraft and also that produces aircraft engines. So again, I say thank you to Ed Stimpson, our ambassador, for his leadership on this issue.

I also join with the full committee chairman, the gentleman from Alaska

(Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the Subcommittee on Aviation ranking member, the gentleman from Oregon (Mr. DEFAZIO), in urging immediate passage of this bipartisan bill.

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

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4226, the Cape Town Treaty Implementation Act of 2004.

The Cape Town Convention and related protocol on aircraft equipment known collectively as the Cape Town Treaty will extend modern commercial finance laws already used in the United States to international transactions involving aircraft and aircraft engines.

Lenders have been reluctant or are charging more to extend financing for the sale of aircraft or aircraft engines to foreign entities, particularly in developing countries, because certain countries do not recognize the right of a lender with a priority interest in an asset to repossess or otherwise dispose of it if the owner defaults on a loan. The Cape Town Treaty, when ratified, is expected to lower their financial risks and therefore the costs of such financing and bring certainty to the marketplace, thereby increasing sales in aircraft frames and engines abroad.

Importantly, the Cape Town Treaty creates an international registry in which persons with secured credit or leasing interest in highly mobile assets such as aircraft and engines will be able to put other potential lenders on notice of their interest in a particular asset.

□ 1130

Priority in an asset will be based on a first in time filing with the international registry. The filing of a notice of a security interest in the international registry will also facilitate a secured creditor's ability to repossess, sell, or lease a piece of equipment in the event of a default under the remedies provided by the treaty.

H.R. 4226 makes technical changes to section 44107 of title 49 governing the recordation of security interests with the Federal Aviation Administration, including designating the FAA's civil aircraft registry to be the U.S. entry point to the International Registry. This will enable the FAA to authorize filings with the International Registry related to U.S. registered aircrafts, aircraft engines, and aircraft that have received a U.S. identification number or to prospective interests in such aircraft or engines.

Filings to the International Registry would be valid only if the creditor first files with the FAA full documentation of the security interest as currently required by U.S. law and the FAA authorizes the transmittal of the filing of the notice of the secured interest to the International Registry. Also directing the FAA to immediately proscribe regulations for the registration and deregistration of aircraft and to complete the rulemaking process by December 31, 2004.

H.R. 4226 also provides that, if necessary, the provisions of the Cape Town Treaty shall apply to the registration and deregistration of aircraft until the FAA regulations are effective or by December 31, 2004, whichever occurs earlier.

In addition, H.R. 4226 states that the amendments to Title 49 made by this bill and any related regulations are effective upon the Cape Town Treaty's coming into force and do not apply to any prior registration or recordation.

To put this in a local perspective, Mr. Speaker, in my district we manufacture aircrafts and this bill opens up markets that have historically been problematic. This treaty brings uniformity to bankruptcy and commercial finance laws by extending current U.S. finance laws to international transactions involving aircrafts and aircraft engines. It lowers the risk to financial lenders and manufacturers alike to engage in new markets. To put it simply, passage of the Cape Town Treaty will help American companies compete in foreign markets. It puts manufacturers in the situation to compete for foreign contracts.

For example, the Boeing 717 built in my district of Long Beach, California, would benefit from the leasing requirements negotiated in this treaty. This translates into jobs and economic activity locally. The Boeing 717 plant in Long Beach employs 3,000 men and women and the plant also contracts with 320 suppliers. Currently, the 717 plant produces one plane a month. I have been told, however, that this plant is capable of producing 60 planes a year. If the 717 plant were to double their production to 24 planes a year, that would translate to upwards of 400 jobs created in Long Beach.

I thank the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota, Mr. OBERSTAR for their strong leadership on this issue, the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), and the ranking member the gentleman from Oregon (Mr. DEFAZIO) for their leadership.

I urge all of my colleagues to support this resolution.

Mr. Speaker, I do not have other speakers, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker and my colleagues, again I ask your support in the passage today of H.R. 4226 as amended. As you heard, this is an implementation technical bill that will implement provisions of the Cape Town Treaty. As you heard in my previous comment and the comments of the gentlewoman from California, this legislation will, in fact, aid our aviation industry which has been, again, so hard hit during the past 2½ years.

This will not only create jobs in Long Beach, California, but Washington and dozens of other States that produce major aircraft in the United States and also assist us to sell engines which are produced in the United States, I believe in Ohio, but not only from Ohio will there be a good results from the implementation of this treaty, but across the United States where additional parts are produced. So it aids manufacturing, it aids the job creation.

And we urge also the other body to act expeditiously in the passage of this legislation so that the full benefits in effect of the Cape Town Treaty when fully implemented can be realized.

So, again, I urge adoption of H.R. 4226.

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

The SPEAKER pro tempore (Mr. GRAVES). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4226, 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.

GENERAL LEAVE

Mr. MICA. 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. 4226, as amended.

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

There was no objection.

WORKING FAMILIES ASSISTANCE ACT OF 2004

Mr. CANTOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4372) to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance.

The Clerk read as follows:

H.R. 4372

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 ''Working Families Assistance Act of 2004''.

SEC. 2. CARRYFORWARD OF UNUSED BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS FOR DEPENDENT CARE ASSISTANCE.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) CARRYFORWARD OF CERTAIN UNUSED BENEFITS FOR DEPENDENT CARE.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not

fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a dependent care flexible spending arrangement under which not more than $500 of unused dependent care benefits may be carried forward to the succeeding plan year of such dependent care flexible spending arrangement.

''(2) DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'dependent care flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for dependent care assistance which meets the requirements of section 129(d).

''(3) UNUSED DEPENDENT CARE BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused dependent care benefits' means the excess of—

''(A) the maximum amount of reimbursement allowable to the employee for a plan year under a dependent care flexible spending arrangement, over

''(B) the actual amount of reimbursement for such year under such arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CANTOR) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. CANTOR).

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

Mr. Speaker, families today shoulder tremendous financial burdens. The USDA's 2003 report estimates two-parent middle income families spend between $9,000 and $10,000 a year to raise one child. With 61 percent of working families relying on some form of child care, costs add up very quickly especially in families with more than one child. But it is not just child care expenses that families face. Many families have non-child dependents, including disabled parents or spouses living at home.

Dependent care accounts were created to assist families with two working parents to care for the young children or help these families who care for a disabled spouse or parent. These accounts allow up to $5,000 to be withheld pretax to help pay for this important care. Unfortunately, these accounts are not being utilized to their fullest extent. They were created in a use-it-or-lose-it fashion which often causes its users to underestimate the amount of money they need to put away, short-changing the very people it was intended to help.

In 2002, the average contribution to these accounts was $3,024 with a net tax savings of $690, but this average contribution is almost $2,000 below the allowed contribution limit. The result is most families are missing out on almost 40 percent of the benefit.

Mr. Speaker, H.R. 4372, the Working Families Assistance Act, gives families peace of mind by allowing them the flexibility to roll over up to $500 of their money into the next year flexible savings account. So if you overestimated the amount you would spend on dependent care, you will now have a cushion to ensure your flexible spending account investment does not completely disappear.

The Working Families Assistance Act gives families the chance to realize the full tax benefit of this important program.

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

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

Mr. Speaker, let me thank my friend from Virginia for bringing forward this legislation which I support. I think it is a very important change in the flexible spending arrangements that are permitted under the Internal Revenue Code. And I thank the gentleman from Virginia (Mr. CANTOR) for bringing forward this legislation.

Mr. Speaker, as my friend has indicated, this bill would permit a taxpayer to carry forward up to $500 of unused benefits in a dependent care flexible spending arrangement from one year to the next plan year. The flexible spending arrangements are a way that you can use pretax dollars to pay for expenses that are, according to what the policy makers have determined, areas that we want to encourage our constituents to be able to spend. This is in dependent care expenses, to take care of our children. This is certainly an area where it is becoming more and more difficult for working families to be able to afford dependent care for their children.

The flexible spending arrangements allow them to use pretax dollars in order to offer some help and assistance. The problem with the flexible spending arrangements is that you have to determine at the beginning of the year how much money you are going to spend for dependent care. If you are wrong and you put away too much money, you lose that money. That is certainly a pretty harsh penalty for misjudging the amount of money that you will need for dependent care. And, therefore, this bill would allow a taxpayer to roll over up to $500 from one tax year to another. And it certainly makes sense to make this modification in our Internal Revenue Code.

Mr. Speaker, I might point out though that I am disappointed that we are not doing more, not doing more for dependent care in our society. In the committee that I serve on, the Committee on Ways and Means, we have looked at authorizing additional day care aid to our states. In my own state of Maryland the only way that you can get assistance on dependent care is to go on to cash assistance welfare. That does not make a lot of sense.

Prior to a year ago, we were helping working poor in our state with dependent care from the state government using Federal assistance. Well, we have not increased that Federal assistance. I would urge us to consider increasing the amount of dollars made available for safe, affordable day care for our constituents.

In the meantime, Mr. Speaker, I do support H.R. 4372. It is a step in the right direction. And I would encourage my colleagues to accept this bill.

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

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

Mr. Speaker, I appreciate the remarks of the gentleman from Maryland. I think this, again, is a tremendous step forward in giving working families the ability to project what their dependent care expenses would be for the upcoming year and then to give them some flexibility if they do not quite hit the mark, so to speak. And this provision, this legislation echoes what we have done in the health savings accounts arena a few weeks ago in this House.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of the Working Families Assistance Act and would like to thank my friend from Virginia for taking the leadership role in this important piece of legislation.

We should be doing everything possible to make it easier for parents to raise their children. The Working Families Assistance Act does just that, by helping to ease the burdens of dependent care for hard working families. Currently, 22 percent of employers offer dependent care flexible savings accounts or FSAs to their employees.

□ 1145

Employees may take $2,500 individually or $5,000 per married couple, put it in that FSA to pay for dependent care. Dependents, for purposes of the FSA, are children under age 13 or individuals such as disabled parents who require full-time care due to physical or mental condition.

Parents can use the money in these accounts to pay for day care, nursery care, or even have an adult relative care for children; but only 14 percent of eligible families participate in these FSAs. Why? One of the big reasons is that, like the health care FSA, employees must forfeit any unused funds back to their employer at the end of the year.

The use-it-or-lose-it provision has made these accounts a bad fit for many families who are trying to create and keep a budget for the year; and for those who use dependent care FSAs, many families are forced to underestimate the amount of money they will need for the year so they do not lose money at the end of the year, essentially defeating the point of the account.

Recently, we passed legislation allowing hardworking families to carry over $500 from health FSAs. That is what we are doing here today for child and dependent care. The Working Family Assistance Act would fix that problem by allowing families to carry over

$500 into the next year's FSA. This change will give parents a safety net as they try to predict their family's dependent care costs.

This bill also gives parents more choices and more flexibility in meeting their family's needs. We should be taking every opportunity we can to let families keep and use their own money to raise their children.

I am pleased to be one of the sponsors of this legislation to help working families meet their dependent care needs. I urge my colleagues to support this legislation.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Maryland (Mr. CARDIN) for their remarks, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAVES). The question is on the motion offered by the gentleman from Virginia (Mr. CANTOR) that the House suspend the rules and pass the bill, H.R. 4372.

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.

TANF AND RELATED PROGRAMS CONTINUATION ACT OF 2004

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4589) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

The Clerk read as follows:

H.R. 4589

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 ''TANF and Related Programs Continuation Act of 2004''.

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH SEPTEMBER 30, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through September 30, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2004 at the level provided for such activities through the fourth quarter of fiscal year 2002.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking ''June 30'' and inserting ''September 30''.

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH SEPTEMBER 30, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through September 30, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2004 at the level provided for such activities through the fourth quarter of fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

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

Mr. Speaker, well, here we go again, another 3 months, another extension of welfare programs. Today, the House will approve the seventh straight extension of welfare programs since September 2002. Since then, the number of Americans collecting welfare has continued to track downward. Fewer people are dependent on welfare checks, which is good. That follows historic declines in welfare caseloads from 1996 through 2001 as pro-work reforms cut caseloads in half and more than 2 million children left poverty, but we want to do much much more.

We want more welfare recipients to prepare for work, which is the true path off welfare. We want to help more parents marry or stay married, which helps them and helps their children. We want to help more parents get ready for full-time work, which is what it takes to lift families out of poverty. We want to provide more child care so more parents can go to work, knowing their children are cared for and safe.

For the past 2 years, we wanted to do all of those things. In fact, the House passed legislation to do all of that and more, twice. In both 2002 and 2003, the House passed comprehensive welfare bills to strengthen the historic 1996 welfare law for years to come. More low-income families would have gotten more help and more would have left welfare for the workforce; but instead, we have waited and waited and waited some more.

For the past 2 years, we have waited on the other body to pass its version of a real welfare bill. For a time this spring it looked like the other body would pass a bill to make available these additional resources for low-income families. That did not happen, and so we are here waiting some more.

Some in this town apparently think by delaying and obstructing the legislative process they will get their way in the end. I wish them luck. I think they are wrong, and low-income families will continue to pay the price for their obstructionism.

I am a fiscal conservative. I am for less government spending, not more. I think that expands the bounds of freedom and opportunity, but I am also a realist. I have seen how welfare reform has lifted literally millions of families out of dependence.

Welfare reform has saved taxpayers money, but it has not been free. It will not be free in the future. The House-passed welfare bill includes reforms and resources needed to help more low-income parents go to work. The families in need will not get a dime of the additional help we included in the House-passed bill unless we can reach final agreement on a real reform bill.

As time passes, budget pressures will only squeeze tighter and tighter, and the additional help we have offered will become only harder to come by.

Given that fact, and the fact we offer to do so much more, give much more to help needy families, it is a tragedy we are back here today with yet another short-term extension that does not give States the certainty they need to best plan for the future.

Mr. Speaker, I wish the legislation before us today were not needed, but we do need to pass this bill. I urge support for this bill, which buys us another 3 months in the hopes the other body will finally act on a broader welfare reform bill.

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

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

Mr. Speaker, I support this legislation to extend the Temporary Assistance for Needy Families, or TANF, program for the next 3 months. The bill will allow our States to continue to provide assistance to struggling families while also providing a variety of services to help people leave welfare for employment.

Additionally, this legislation would extend a number of important related programs, including transitional Medicaid which provides continued health care coverage for people leaving the welfare rolls to go to work.

Like the previous six welfare extensions passed by Congress over the last 2 years, this bill is a simple extension of current law. It does not include any of the controversial policy changes to the underlying program which were incorporated in the legislation that passed this body; and for not including those controversial provisions, I commend my friends on the other side of the aisle.

While I support this temporary extension, I wish we were here today, as the chairman of our subcommittee has said, to pass a long-term bill to help our States plan future efforts to move individuals from welfare to work. I, however, disagree with my subcommittee chairman in that the legislation that passed this body, in my view, and I think in the view of the experts in this area, makes it more difficult for us to accomplish the goal of a long-term extension of the welfare program.

The House-passed welfare bill was denounced by Governors, mayors, State welfare administrators, and poverty experts as an inflexible, unfunded mandate. The divisive debate instigated by the legislation has stymied a goal that should be bipartisan, extending the 1996 welfare reform law.

We are now on the seventh temporary extension of TANF funding. This process leaves the States uncertain about the future Federal funding levels and policy requirements, which in turn makes long-term or even intermediate range planning increasingly difficult for the State welfare programs.

Given this problem and the apparent deadlock on a broad reauthorization bill, the time is coming for Congress to pass a long-term continuation of TANF. For example, after this next extension expires at the end of September, Congress could extend the current law for 5 years. Mr. Speaker, considering how we on both sides of the aisle have hailed the success of the 1996 law, it is surprising to me why it is so difficult for us to at least use that as the building block, rather than as an area to impose new requirements on our States that are not funded by additional resources.

If we did extend the current law for 5 years, we could use that as a steppingstone to debate other proposed reforms separately. At the very least, this step would ensure the continuation of a program that many of us have declared a success.

In the meantime, Mr. Speaker, I support the temporary extension of the welfare-related funding provided by the legislation currently before us. I urge my colleagues to support this legislation.

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

Mr. HERGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means, also the former chairman of the Subcommittee on Human Resources, where this historic legislation originally was enacted in 1996.

Mr. SHAW. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) for yielding me this time this morning.

In 1996, this House embarked, I think, upon a huge social experiment. We, for the first time in decades, had changed the way or moved away, from the policy of rewarding people not to work, to have kids and not to marry. We changed the world; and as a result of that bill, and I remember it so well, we passed it three times out of here and it was vetoed twice by President Clinton, but on the third time, much to his credit, he came on television, right before the vote, I was watching it in the cloak room, and announced that he was going to sign the bill. As a result, we got good bipartisan support, and that was tremendously important; and it was important because it was a situation and it set the record really straight as far as the Congress of what we were trying to do which is to help people out of poverty, to help people take control of their lives, take control of their families, not to be dependent on some huge massive welfare that was suffocating them.

We found there were people living in neighborhoods where nobody in the entire neighborhood worked, and the only people that they would ever see that were making a dollar were out in the street selling drugs. We have changed that.

This social experiment has been, I think, one of the greatest steps forward since I have been in the Congress; and I am very, very proud to have been a part of it.

But the real champion of welfare reform has been the welfare mothers, those that get up in the morning, get their kids dressed and ready for school, see them off to school or take them to school, then go to work and then reverse that process in the afternoon to pick them up from child care and bring them home, take care of them, fix their meals, do their homework, and then start it all over again the next day. These are the champions of welfare.

Yet, in February of 2003, this House, with a heavy Republican vote and 11 Democrats joining with us, put a long-term extension of welfare reform into place.

□ 1200

We are now waiting and waiting and waiting for the Senate to take action on this particular bill, and it is frustrating. We have had now five or six extensions, short-term extensions, and we are not getting to the meat of the nut, and that is that we need to set this in law permanently.

But this is something Congress should be very proud of. Both political parties should be very proud of what we have done and what we have accomplished. We have given these people a life. We have given them a life. And this is tremendously important. There were so many back then, when we passed welfare reform, that said we were going to have kids sleeping on the grates. They are not.

We have taken over 2 million kids out of poverty. We have cut the rolls in half and people are working. For once, these welfare moms are now role models for their kids. They have shown that with our just having a little bit of faith in the human spirit, they can become a family and they can become a role model for their kids. We heard this in testimony before the Subcommittee on Human Resources that I once chaired.

So I certainly support this short-term extension until September. I wish we were here working on a conference report back from the Senate, but that is not to be. And because of their rules, they have got this thing bottled up over there. But I would hope that we could get this thing moving and that we could get it back here on the floor.

We were very, very careful, and have all through this entire debate been very, very careful to be sure that we have child care in place, that we do not take away the Medicaid that is so important to so many of these people, and other benefits that we hold up so that these people do not have to have a fear of coming off of welfare and going to work.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds mainly to comment on the comments of my friend, the gentleman from Florida (Mr. SHAW), in that I am one of those Democrats who supported the bill in 1996. It was a bipartisan bill. It was a good bill and it did move us forward. What is surprising to me is why the legislation that passed this body is so radically different, so prescriptive at the Federal level as to what the States must do; taking away the flexibility, putting in more mandates, and not providing the funds necessary in order to carry out the new responsibilities.

I am surprised that we moved in that new direction when we were moving, I think, in the right direction, and all we needed to do was fine-tune the 1996 law.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 4589 as an interim continuity of assistance to those who need help getting back on their feet. I think you all know I was one of ''these'' people 30 years ago when, as a young mother with three children, ages 1, 3 and 5, my husband left us. I was working full-time, but to get my children the health care, the child care they needed, even though I was employed, I turned to welfare to make up the difference in my income. Eventually, I worked my way out of poverty, got a college degree, started my own company, and now I am a Member of Congress. I believe others should have the same opportunities that I had.

Mr. Speaker, as Congress continues to debate welfare reauthorization, we have to remember that our goal must be to move women and their families from welfare to self-sufficiency, preventing the ongoing pattern of welfare to poverty. That is why I support making States accountable for helping families become self-sufficient by creating a standard to determine just how much a family needs to survive without public assistance in any particular State. That is why I want mothers to have access to educational opportunities and job training, to give them the skills they need for jobs that pay a livable wage. And that is why I know how important it is to provide quality child care, including care for infants and care for parents who work weekends and evenings.

In my personal situation, my children had 13 different child care situations the first year that I went to work. That was the worst year in our lives. And today, 35 years later, quality accessible, affordable child care, particularly for low-income women reentering the workforce, is almost vacant.

Mr. Speaker, States and families need to know that these welfare extensions are going to last longer than 3

months. States need to plan their budgets and families need to know what they can count on. That is why we need a clean, multiyear extension that ensures continued, accessible welfare services, an extension that would do no harm to our Nation's poorest families while preserving the services that they have now and that they need.

The base bill that the gentleman from California (Mr. HERGER) refers to does not accomplish this, and the other body knows it. Mr. Speaker, nothing is more important than helping our families get out of poverty and to become, on their own, self-sustaining and independent.

So I urge my colleagues to join me today in supporting the temporary relief through H.R. 4589 until the time we can do it right.

Mr. CARDIN. Mr. Speaker, it is now my pleasure to yield 9 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, I favor this legislation. I want, though, the record to be clear as to why we are where we are today.

Way back, it seems like many years ago, we passed welfare reform. It was not an easy journey. There were differences of opinion. President Clinton had urged that we reform welfare. There were differing views as to how to do that. We did work on a bipartisan basis. It was not easy. President Clinton vetoed, in essence, the first two because of inadequate attention to child care and to health care, and that pressured us to continue to find a bipartisan answer.

And I mean bipartisan in the sense that there was strong adequate support from both sides of the aisle, even though there remained some differences. And it became law. And I think the record is that it basically worked. It was a positive step forward. It worked in the sense that many, many millions of people moved off of welfare into work. And that was good for them, it was good for their families, and it was really good for the country.

However, the fact remained, and we do not have all the data, in part because the Congress did not provide enough money to follow this, despite our efforts to do so, but I think the data are pretty clear that while millions moved off of welfare, a very substantial number of them, while working, remained in poverty. So the question became: What next with welfare reform? How do we make it even more effective for the people on welfare who want to move off? How do we make it even more effective for their families?

Here, there was a misstep. And the gentleman from Maryland (Mr. CARDIN) has painted that misstep, and others of us who have joined him in this. There were two problems: Number one, substantively, instead of moving on into the next phase of welfare reform so that people who move from welfare to work would move up the ladder, would move out of poverty, there was, instead, a proposal that did not really help people do that; inadequate attention to child care and really inadequate attention to transitional health care through Medicaid.

There was, instead, as the gentleman from Maryland (Mr. CARDIN) has described, a kind of tying the hands of the States, instead of continuing to give them the flexibility that helped people move from welfare to work. As a result, the majority of the State directors in the welfare field opposed what was being suggested by the majority here.

So I think substantively there was some real problems with it. There also was a second flaw, and that was a failure to try to work this out in a bipartisan way. And that became typical, or was typical of the way the Republican majority in the House looked at matters. It was not only welfare reform, but virtually everything else. Instead of sitting down with those of us who wanted to work with them on the subcommittee and on the full committee, essentially the majority crafted its bill, found a small number of Democrats, very small, to support it, and did not look for the bipartisan basis that was true of the original Act.

And so it went over to the Senate. It got off on the wrong foot here. And so what has the answer been? Blame the Senate, though it is controlled by the same party as controls this House. But there were differing views in the Senate, including among Republicans, some of whom we had worked with when they were in the House before, and some of the Democrats.

Well, anyway, so there has been this stymie of the process and here we are again with a short-term extension. It is better, obviously, than nothing, and I think a short-term extension is better than if the Senate had simply adopted the House bill, which it never was going to do.

So I really want to join with the gentleman from Maryland and with others to say to our colleagues on the Republican side, maybe it is not too late to go back and try to do this together. If you fail to do so, we will have missed the chance to have gone to welfare reform phase two. I cannot emphasize how important it is for us to undertake that effort, because welfare reform did help people move from welfare to work. But as I said, too many of them remain in poverty. People are working, but they have joined the working poor. And we can help them who want to do better. That is our challenge, and that is where the House majority has failed.

So let us be bipartisan as best we can today by supporting the extension, but let us do even better. Go back and see if we can write a bill that can pass this House on a bipartisan basis, go over to the Senate so it can work on a bipartisan basis, and we can have further meaningful welfare reform in our country.

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

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

Mr. SHAW. Mr. Speaker, I say to the gentleman from Michigan (Mr. LEVIN), that in March, reading from the gentleman's own statement, he says, ''You have stonewalled. It is not the Senate. They are now moving ahead.''

They are moving ahead? You asked for bipartisan support. You asked for working together. We do not write the bills in the Senate. Let them write the bill, pass a bill, send it back, and we will get it into conference. What is everyone afraid of?

Mr. LEVIN. Reclaiming my time, Mr. Speaker, no one is afraid of anything. Here is the problem. You started on the wrong foot here. You started with a bill that the States opposed. You did not sit down with us and try to work out these issues. And so, essentially, you threw it to the Senate to try to do so.

At some point, I thought that the Senate might be able to overcome the wrong start that was made here. There was no, zero, excuse for the failure to sit down with us, those of us who had worked together in 1995 and 1996 and see how we would shape a welfare reform bill that moved this process ahead. Instead, you got the States into total turmoil. Most of the directors opposed your bill. Governors came in and said that you were tying their hands.

So, Mr. Speaker, I would say to the gentleman from Florida (Mr. SHAW), with due respect, that is the answer. The House has used the process, passed something that is far out and then left it to the Senate.

□ 1215

Do it right here in the first place.

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

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

Mr. SHAW. What is it the gentleman has a problem with? And then be very specific. We put $4 billion additional in child care. I know he is for that. We have full TANF funding for the next 5 years. He should be in favor of that. Supplemental grants. Contingency funds for States with increased need.

Mr. LEVIN. Let me take back my time. The gentleman from Maryland (Mr. CARDIN) and the rest of us spelled out the problems with the bill: inadequate child care moneys, and that is a problem over in the Senate; allowing waivers, essentially saying to Washington, you will decree the nature of welfare reform instead of leaving it to the States.

Those were the problems. And also having prescriptive provisions regarding hours of work that the States opposed, preventing States, including my State of Michigan under John Engler, to continue the process that they had started. They would have canceled out

that State discretion. That was the trouble.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would have to revise the memory of the other side. We wanted to work with the Democrats all through this process of writing this bill. The gentleman from Michigan was very much involved in that at that time. They chose not to. In committee they voted against the bill, even the one that eventually passed. When it came to the floor, they voted against the bill, even the one that eventually passed. It was not until we got to the conference and the President put his force behind this bill that they came aboard. I do not know where all of this bipartisan stuff came from, but it certainly did not come out of the committee.

I think we need to be straight on history here. The Republicans led the way on welfare reform. Period. Even though the President signed it on August 22, 1996, much to his credit. I will give him credit, also, as being very, very forward looking when he was Governor of the State of Arkansas, but then he retreated under the pressure of the Democrat leadership here in the House; and it was not until right before the election in August that he finally conceded that he would sign the bill, and we sent it to him, and he had a big ceremony and everybody was there and everybody took credit for it.

Mr. CARDIN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from Florida misdescribed 1995 and 1996. I do not think it does any credit for him to describe it that way. There was a major effort, there were differences; but we worked together. There were differences. We worked together on a bipartisan basis. He misdescribed President Clinton's position, also, who, before he became President, talked about reform of welfare and who worked as President to make sure it happened in the right way.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would say to the gentleman from Michigan, I did not misstate it. I gave President Clinton full credit. As Governor Clinton he was ahead of his time. But he pulled back as soon as he got here. Something happens to folks when they come here to Washington. We get good Democrat Governors from the South, they come up here and all of a sudden they cave to their majority leaders here in the House of Representatives. It is a fact of life. That is exactly what happened.

But I do give Governor Clinton a lot of credit. And then finally in 1996, August of 1996, I give him credit for having signed the bill. I have been very careful to do that. We looked to the Governors for flexibility. We looked to the Governors for leadership. They were on the front line of welfare reform long before the Federal Government came along. We learned a lot from the Governors throughout this country, Democrat and Republican, including my own Governor Chiles, we worked with him, Engler, a bunch of them. We had some wonderful Governors that we worked with, we talked to, and we went to for advice. It was up to them to run these programs, and we wanted to be sure that we were sending something to them that was quite doable.

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

Mr. DAVIS of Illinois. I thank the gentleman from Maryland for yielding me this time. I also agree that Governor Clinton, and I grew up in the State of Arkansas, did an outstanding job as Governor of the State of Arkansas. But I really rise to join with all of those who have expressed support for extension of TANF. Like all of those who have spoken before me, I would have hoped that we were not talking about extension, but that we were talking about permanent legislation.

I represent a district that includes more than 80 percent of the public housing in the city of Chicago, and so there is no doubt about the tremendous need for assistance to needy families. But I also think that assistance has to be strong on child care, that people must know that they have access to opportunity for their children to be cared for them while they are in school or while they are at work.

I hear a great deal about making sure for women. We also have to make sure that there are training opportunities for men. I represent a district that has lost more than 120,000 good-paying manufacturing jobs over the last 40 years. Many of the jobs that men in those communities expected to be able to get no longer exist. In order for them to be able to get off welfare and not participate in what we call the ''underground economy,'' they need job training, they need skills, they need development, they need the opportunity to believe that there are careers waiting for them and available to them.

I would urge that we do come together in a bipartisan way and hammer out a bill that can become permanent so that those individuals who are currently in lurches can know that there are opportunities to move out, to move up, and to move ahead.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a former chairman of the Subcommittee on Human Resources.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this legislation. Welfare reform has been simply an extraordinary success. Rarely has this United States Congress taken an action that has meant so much in people's lives, that has produced so much good in people's lives. Under our welfare bill today, we have $51 billion available for services to families. We used to have under the old program $5 billion. That is because we kept the money constant while the number of cases has dropped by half, so all that money is there for services. Now it is needed.

We have fought hard to keep that money flat. Why? Because we not only want the money to pay day care while you are preparing for work, but as you make that transition.

But there are some other statistics that bespeak the extraordinary human success of welfare reform. Black poverty among children living with one parent is at its lowest levels historically. That means there are fewer black children living with single parents in poverty than has happened in decades. I am proud of that. What it tells us is that black women once given the opportunity for training and work are succeeding and they are doing better and their children are doing better.

I support this extension. I am pleased with its parts, particularly the day care dollars, but I do wish that the Senate had taken up the reauthorization that we passed here on the House floor because it goes further. It begins looking at careers. How do we help women, primarily women, (although there are some men who are single parents and on welfare), how do we help those folks who are trapped in that situation as a result of a series of problems, not only think about how to go to work and how to meet the emotional needs of their children but how to go to work on the first rung of a career ladder. Then every year you move up, every year your salary progresses, every year you learn more, do more, take responsibility and get a greater reward in the form of a higher salary. So those, primarily women, can be not only role models for their children but successful economic and emotional parents.

In the new bill that passed this House, we drove the work requirement up from 20 to 24 hours a week. By doing that, we made clear that you needed to work 3 full-time days, but you were accountable for a 40-hour-a-week plan. We counted drug treatment as work under that plan. We counted mental health counseling as work under that plan. States could even count taking care of your children after school as work under that plan because each plan could be individualized.

But the sum and substance of it was that it structured that transition off welfare so that you could go to school 2 days a week, counting that as work, finishing up your degree while you are working 3 days a week, and you could create for yourself truly any future you wanted because mental health, drug treatment, those kinds of problems, if you are addressing them aggressively, could be counted as work, which they are; and education combined with work could be also counted.

We have a next step to take; and if the other body will work on reauthorization, we can move forward. But please vote ''yes'' on this extension today.

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

We have heard a great deal from the other side indicating that evidently when this bill originally came through, the historic 1996 legislation, that it was bipartisan. Yet we have heard the chairman that was chairman of the committee during that time indicate just the opposite, and I believe that the record certainly indicates that. The other side, the other party, opposed this legislation in committee and opposed it on the floor when it was voted on. It did that three times. It overwhelmingly opposed it. It was not until President Clinton finally said he was going to support it that there was finally, for basically the first time, any support from the other side. I think the record should show that to be the case.

Another point is when all we do is extend this legislation and do not go with H.R. 4, what we are doing is denying an additional $4 billion for child care over the next 5 years. There is no assurance of full TANF funding for the next 5 years. In the area of marriage and families, there will be no additional $1.5 billion targeted to promoting healthy marriages, no added State flexibility to count spending on strengthening families. It goes on and on on what we will be denying ourselves. It also denies the added flexibility to spend an additional $4 billion in unspent prior TANF funds.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland is recognized for 1½ minutes.

Mr. CARDIN. Mr. Speaker, I think the comparison to how we proceeded in 1996 versus how we have proceeded in the year 2002, 2003, and 2004 is very instructive. In 1996, we had a President who ran for the Presidency saying that he would end welfare as we know it. He established three parameters for a new welfare bill, which were flexibility to our States, accountability, and resources. In 1996 in a bipartisan manner, we passed welfare reform with the support of our national Governors. In 2002 and 2003 and 2004, this body has passed legislation in a very partisan manner, without the support of our national Governors, for good reason.

The three pillars on which welfare reform was built in 1996 which has gotten such praise from both sides of the aisle are severely compromised by the legislation that passed this body.

□ 1230

First, on flexibility to the States, we take it away in the bill that we passed. We cannot use vocational education as the States would like to do, and I can name example after example.

On accountability, we have make shiftwork rather than real jobs, people moving up the economic ladder in the legislation that passed this body. And in resources we provide $1 billion only in new child care that is mandatory, even though the estimates are that the mandates in this bill will cost our States an additional $11 billion, an unfunded mandate.

So, Mr. Speaker, I urge my colleagues to support this extension because it is clean. It has none of those extraneous issues in it. It extends the 1996 law for 3 additional months. And then I hope we will get back to working together as Democrats and Republicans for a long-term extension that builds on the success of 1996.

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

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

I wish the legislation before us today were not needed. But we do need to pass this bill. That is the only way we can have any hope of reaching agreement this year on ways to better assist low-income Americans in going to work and supporting their families.

I am pleased that the House has taken action on that important goal and look forward to defending our broader welfare reauthorization bill, H.R. 4, in conference. It is a good bill which promotes stronger families, healthy marriage, and more involvement by fathers in their children's lives, which all would improve child well-being. H.R. 4 also expects and supports more work in exchange for welfare benefits. That is what made the 1996 welfare reform so successful at lifting families off of welfare and out of poverty and dependence.

It is past time for additional commonsense measures to help the 2 million parents that remain on welfare today go to work and better support their families.

Mr. HERGER. Mr. Speaker, during the June 22, 2004 House debate on extending welfare programs, Democrats suggested the process behind the historic 1996 welfare reform law was far more bipartisan than today.

They need to recheck the facts.

The Republic reauthorization bills passed by the House in 2002 and 2003 were more "bipartisan" than two out of three welfare bills considered in the mid-1990s.

During the 1990s, the vast majority of House Democrats OPPOSED welfare reform at every stage in the legislative process. The single exception was on the conference report that became the 1996 welfare reform law, when 50 percent of Democrats voted for welfare reform—but only after then-President Clinton announced he would sign the Republican bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 4589.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4589 and H.R. 4372.

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

There was no objection.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. GARY G. MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 658) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read as follows:

H. RES. 658

Whereas the President of the United States has designated the month of June as National Homeownership Month each of the last two years and will do the same in 2004;

Whereas the national homeownership rate in the United States has reached a record high of 68.6 percent and, for the first time, more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas improving homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GARY G. MILLER).

GENERAL LEAVE

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this resolution.

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

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to celebrate homeownership in America. As part of this homeownership initiative, President Bush is expected to designate June, 2004, as National Homeownership Awareness Month, as he has the past 2 years. To complement this designation, I have introduced House Resolution 658 to recognize National Homeownership Month and the importance of homeownership in the United States.

This resolution expresses a sense of Congress and the U.S. House of Representatives that we, one, fully support the goals and ideals of National Homeownership Month, and, two, recognize the importance of homeownership in building strong communities and families.

Now is a great time to talk about the American dream of homeownership because for the past 3 years the housing industry has been the pillar of our economy. The housing and refinance market helped keep our recently struggling economy moving until the rest of the economy was able to accelerate. National housing generates more than 22 percent of the Gross Domestic Product and accounts for nearly 40 cents of every dollar spent.

America's housing market is the envy of the world. We enjoy the lowest interest rates and the highest homeownership rate of any developed nation. In fact, the national homeownership rate in the United States has reached a record high of 68.6 percent, and for the first time, more than half of all minority families own homes.

Homeownership is the single largest creator of wealth for most Americans. It is a key to promoting long-term economic stability for citizens and nations. For these reasons it is imperative we maintain a strong housing market.

There are many components involved in helping people achieve the dream of homeownership. We need land to build on, developers to prepare the land, architectural plans and building materials, builders and contractors to construct the home, certainty on who owns what and how much it is worth, and available credit. We need to work to make sure that each component can work and that government helps rather than impedes the process.

As many of the Members know, I have been a home developer for over 30 years. I know all too well the impact of regulatory barriers at all levels and the cost of homes. When I came to Congress, I made it my top priority to highlight federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America.

I firmly believe that Congress must help cultivate an environment where more Americans can turn the dream of homeownership into reality. I am pleased that the President, in partnership with Congress, has made it his priority to ensure that government does something positive to foster homeownership. The administration is committed to finding ways to increase homeownership particularly among minorities and has set forth an ambitious agenda for HUD, focused on building on the progress that work and finding innovative ways to reform those in need of improvement.

To focus more attention on the need of regulatory reform, HUD launched in June, 2003, America's Affordable Communities Initiative, a department-wide effort to help communities across America identify and overcome regulatory barriers to affordable housing. I commend HUD for its commitment to work with States and local communities to reduce regulatory and institutional barriers to the development of affordable housing. I look forward to continuing to work with the administration and Congress to address our Nation's housing needs.

I urge my colleagues to support House Resolution 658, which expresses the U.S. House of Representatives' dedication to forming policies that will help ensure every American family realizes the dream of homeownership.

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

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from California (Mr. GARY G. MILLER) for his sterling leadership on this issue and for this piece of legislation as we recognize June as National Homeownership Month.

Today the House takes up this important housing resolution to recognize National Homeownership Month and the importance of homeownership in the United States. In addition to the gentleman from California (Mr. GARY G. MILLER), I certainly want to recognize and thank the gentleman from Ohio (Mr. OXLEY), our distinguished chairman of the Committee on Financial Services, for his leadership; the gentleman from Massachusetts (Mr. FRANK), our ranking member; the gentlewoman from California (Ms. WATERS), our ranking member on the Housing and Community Opportunity Subcommittee; and the gentleman from Ohio (Mr. NEY), our chairman on the Housing and Community Opportunity Subcommittee.

Mr. Speaker, homeownership is a dream that millions of Americans strive to achieve every year. Our national homeownership rate has risen dramatically during the past 50 years and now stands as a record 68.8 percent. This is an extraordinary accomplishment that all Americans should be very proud of.

But in the midst of this record housing boom, there are yet millions of American families, particularly low-income families and minority households, who have been left behind and unable to make this dream a reality.

So as we celebrate June as National Homeownership Month, this Congress must seize on opportunities to help more Americans reap the benefits of owning their own home.

I will just enter into the RECORD this article from the front page of my home newspaper, the Atlanta Journal Constitution, yesterday, which is headlined ''Black Women Find Places of Their Own,'' written by Janet Frankston, an Atlanta Journal Constitution staff writer. And it starts with this story that I think is very appropriate as we start this. It says: ''The day before she closed on her three-bedroom house, Thommi Odom couldn't eat. 'Even at the day of closing, I was physically sick,' said Odom, a 30-year-old information technology manager originally from Savannah. 'Just the whole process, knowing I'm ultimately responsible, was very scary.'

''Now, more than 5 years later, Odom has tripled her income and is looking for her second house, an upgrade from her 2,036 square foot home in Lithonia. And now she's not even blinking at the finances.''

She is building wealth, but it started with the purchase of a home.

America's families and neighborhoods and our national economy all prosper from homeownership. Homeownership enables families to build wealth that transcends generations. Homeownership transforms neighborhoods into centers of civic engagement and community strength, and housing is a vital part of the national economy, accounting for about 14 percent of the gross domestic product. Indeed, it is housing that has played an essential role in the economy and the economic recovery over the last 2 years, creating new jobs and serving as an engine of economic growth.

And there is such great news from my home area of metro Atlanta, which I represent. And I represent 11 counties, and of those 11 counties, eight of them are among the fastest-growing counties in terms of homeownership in this Nation. The number of African American homeowners, for example, has increased by 97 percent in the 1990s; yet there is a lot of work to do with African American homeownership that is fluctuating as we speak.

For Hispanics it increased 258 percent, and for Asians it increased 241 percent. These numbers compare to an increase of 38 percent for white homeowners. From 1997 to 2002, conventional mortgage loans to African American women increased by 114 percent.

Clearly, the homeownership gap is closing, and this Congress should be proud of the work that we are doing. But there is much more work to do. We must pass the Financial Literacy Act, which I introduced, and I am working with the gentleman from Ohio (Chairman OXLEY) and the gentleman from Ohio (Mr. NEY), subcommittee Chair; and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Pennsylvania (Mr. KANJORSKI).

The House of Representatives can take an important step to expand homeownership opportunities by also passing H.R. 3755, the Zero Downpayment Act of 2004. This legislation, which I introduced with the gentleman from Ohio (Mr. TIBERI), would help thousands of families get into homes by helping them overcome one of the top obstacles of homeownership: assembling the necessary funds for a down payment.

H.R. 3755 enjoys strong bipartisan support and passed by the House Committee on Financial Services by voice vote. By swiftly passing this legislation, the House will be paying fitting tribute to National Homeownership Month by helping thousands join America's ownership roster.

[From the Atlanta Journal-Constitution, June 21, 2004]

(By Janet Frankston)

The day before she closed on her three-bedroom house, Thommi Odom couldn't eat.

''Even at the day of closing, I was physically sick,'' said Odom, a 30-year-old information technology manager originally from Savannah. ''Just the whole process—knowing I'm ultimately responsible—was very scary.''

Now, more than five years later, Odom has tripled her income and is looking for her second house, an upgrade from her 2,036-square-foot home in Lithonia. And she's not even blinking at the finances.

''Making the payments is easy,'' she said, sitting in her living room with a group of black girlfriends who are also homeowners. ''The maintenance is difficult.''

In 2003, unmarried women were nearly twice as likely to buy homes as unmarried men. Single women make up the second-largest group of homebuyers, according to a nationwide survey by the National Association of Realtors. In metro Atlanta, Odom's demographic, single African-American women represent a particularly fast-growing group.

From 1997 to 2002, conventional mortgage loans to black women increased in 114 percent in metro Atlanta, a draw for middle-class blacks from across the nation. That growth greatly outpaced mortgage loans to white men and white women, which increased in the region by 35 percent and 26 percent, respectively. Mortgage growth in the region was highest among single black men, but they bought fewer homes than single black women.

Women are buying homes as they gain access to more and better-paying jobs. They like the tax advantages and want to start building wealth. And they benefit from a societal shift that accepts their marrying later or not at all. That shift is especially prevalent among black women, 64 percent of whom reported being single in the most recent nationwide census survey.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from California for his leadership on this resolution and the gentleman from Georgia for his support.

America is a great country for a lot of reasons, but amongst the most important is the wide distribution and ownership of real estate in this country. We are a Nation of owners, not of tenants, and that sets America apart. And in the last decade, we have had dramatic change because of dramatic leadership.

I entered the real estate industry in 1968, and then it was hard to buy a home; with the exception of VA loans and FHA loans, almost impossible. But things have changed because of the leadership of this Congress, because of the leadership of this President, and because of the leadership of the financial industry in this country.

Jim Johnson, in his book of a decade ago Showing America a New Way Home, declared through Fannie Mae an ability and a desire to see to it that Americans who could not find homeownership could, in fact, find it. And, boy, did they ever. Through creative financing mechanisms and through targeted programs, today Americans who never dreamed of owning homes do. Through the National Association of Home Builders, easy-living homes were created; where handicapped and disabled Americans now find available, affordable, accessible housing in the competitive marketplace, which 30 years ago was not possible.

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Those who do not own their own automobile now find financial incentives and preferences in financing to locate in housing near Metro centers, bus stations and rapid transit.

In essence, through the National Association of Home Builders, the National Association of Realtors, Fannie Mae, Freddie Mac, the Learning Institutions of America, this Congress and the President of the United States, the American dream of 100 years ago is the American reality for 2 out of every 3 Americans, and in the months and years ahead, as we work forward to improve that, we will only improve the greatness of the United States of America and the distinction that separates us from the rest of the world.

Mr. SCOTT of Georgia. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LEE), who has consistently provided sterling leadership to make sure that all Americans have access to home ownership.

Ms. LEE. Mr. Speaker, first let me thank the gentleman from Georgia (Mr. SCOTT) for yielding and for his leadership in a very short time in terms of his leadership on our Financial Services Committee, specifically in the areas of housing and home ownership. So thank you for your leadership and for yielding.

Mr. Speaker, let me just say how delighted I am today to be able to speak in support of this bipartisan bill, with the hope that it will spur a movement toward more aggressive quality affordable housing for all Americans, and I want to thank my colleague, a member whom I had the pleasure to serve with in the California Legislature, the gentleman from California (Mr. MILLER), for bringing forth this bill, H.R. 658, because he certainly understands the critical need for home ownership and the affordability factor in terms of home ownership. So thank you for making sure that this is a bipartisan bill and for your leadership.

Mr. Speaker, we all understand the challenges of home ownership and the need to build more affordable housing and to market products that will help more middle- and low-income individuals and families, more people of color to acquire a home.

The FHA program is a very necessary tool to get these target communities into a home. It uses flexible down payment amounts ranging from 0 to 3 percent of the loans total, and it also helps with closing costs and considerable foreclosure and loss mitigation assistance.

Now, FHA is pioneering in the areas of not only helping people get into their homes and purchase their homes but also helping people keep their homes. This is key to home ownership in our current economy, where bankruptcy and foreclosures have become a reality for far too many people.

FHA is successful, but it, of course, is not perfect. In areas like California, currently, also areas such as Massachusetts and New York, the FHA program is crippled by the expensive housing market, and it, in fact, limits the amount of people who can participate in home ownership solely because of their geography.

FHA uses a market median to calculate their loan amounts and caps loans in high-cost areas to $290,000. Our goal today is to provide a vehicle for Americans to achieve the American dream, which is very quickly, quite frankly, turning into a nightmare.

We all know that it is not the stock market that provides the foundation for the accumulation of wealth for ordinary working Americans. It is the equity in one's home that allows people to, for instance, start a small business or send their children to college or to travel or to do whatever they desire to be part of the American dream, and while I recognize market forces dictate the cost of housing, in no way should we let market forces run away out of control without helping those individuals and families who really do play by the rules.

When I see a dilapidated house in California, just this weekend the average cost of housing in my area, northern California, I think is $509,000. That is for a dilapidated house, quite frankly, a small shack. That is $509,000. So when I see houses going for that, I shudder at the numbers of families who are permanently shut out of homeownership.

When we see a bill today, such as we have before us, that increases this limit to 100 percent of the local median price, I am very excited that finally, finally we have a vehicle now that will allow not only those individuals in California and my district to begin on the path to home ownership, but people

throughout our country will see that we are for real in terms of making sure that we do something to allow them to realize the American dream.

In addition, let me just close by saying how important it is to prevent foreclosures and to build more quality affordable housing that establishes through the establishment of what we are calling the National Housing Production Program, using some of the FHA reserves.

So let me just say thank you once again to the gentleman from California (Mr. MILLER). Thank you to the gentleman from Georgia (Mr. SCOTT). I want to thank the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Chairman NEY) and the gentlewoman from California (Ms. WATERS) for making sure our subcommittee works in a bipartisan fashion on behalf of the American people.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I would like to associate the comments of the gentlewoman from California (Ms. LEE) with myself. I could not agree with you more. There are things we disagree on. This is not one of them. We look at our children and our grandchildren and realize that there is a problem in this country, and we need to effectively address that problem.

Last week I have a bill that was heard in committee on FHA, basically because as she said, you cannot use FHA loans in California and New York, Massachusetts and other States, because the limits are so low, they do not meet the needs of the citizens of these States, and you could not be discriminated against based on where you happen to live.

And nobody should be confused. FHA is not a program where the government is giving anybody anything. The government makes money on FHA loans. They are good for citizens. They have been proven good for government, but we need to really aggressively attack the problems for housing in this country. We deal a lot with section 8 housing, which we all agree there is a need for, but the problem we face when we talk about section 8, we want people to own a home, and we have created such a situation in this country where people cannot afford to move out of section 8 housing because the cost of housing in the next level is so great, that there is no way people can move to that next level.

A lot of those things have occurred over the years because the government has done things that we believe felt good, and States have done things that they believed felt good at the time but they did not work in reality.

I remember 25, 30 years ago I could introduce a tentative track map in California, and in 58 days, the government had to come back and say yes or no to that subdivision application so you could build a home.

Today it goes for 2, 3, 5, 10, 12, 15 years in many cases before a builder actually has a surety that he is going to be able to go build a home or not build a home, and everybody needs to realize when you require a property owner to hold property for 2, 3, 5, 10 years, the cost of carry on that property and the cost of the process is passed on to the homeowner.

So when we look at people who we are trying to provide affordable housing, it is almost impossible, in many cases, because of the problem government has created in and of itself.

The Endangered Species Act, when it was implemented, and nobody argues that we should not do everything we can to preserve the environment. That is necessary, but nobody ever dreamt when that concept was created that we would be preserving rats and flies and snails and stuff like that. My parents were smarter than we were. Our parents used to swat flies and poison rats. Now we set aside habitat for them; and when we do that, some private property owner is impacted by that habitat.

And the question I want to ask all of you, who wants to live next to a rat habitat? I do not know who wants to live next to a rat habitat, and the problem with that is you have a rat in your house, we all respond in the common way. We put a rat trap out there or poison out there. Well, if you trap an endangered rat, you have committed a felony. You can go to jail. I mean, how ridiculous is that? Yet, that is the law in which we have to work with in this Nation to provide housing.

There has to be some regulatory barriers that are removed, where people can get product to the market rapidly and move people into houses. The problem we have at the local level is the Federal Government takes more money, the States take more money, and local community cities are left without revenues. And the first person they look to go to is a builder in town as a cash cow. I am not trying to criticize them for it, but I am saying when you assess a fee that is not associated with a project on a project, the people who buy those homes have to pay those fees.

Nobody argues that if you are impacting traffic and intersections, you should mitigate that through fees. Nobody is arguing that. You have building and you have school fees. But oftentimes you pay all of those, and then we take it far, far beyond that.

In California, we have an unusual problem that many States do not face. There is very, very little attached homes being built, town homes and condominiums. The problem is because litigation is so prevalent. And it is not generally started by the people who own the town homes or condos, it is started by some attorney who sues, goes to the Board of Directors and says you either join in this lawsuit or you can be held personally liable, and then the associations in the lawsuit, that all adds to the cost of providing basic housing for this Nation. Condos and town homes generally are the entry level homes you try to address first, because people need them.

We are trying to do tort reform in the medical industry. We also need tort reform in the housing industry. We need to do everything we can to protect the environment, we need to do everything we can to make sure people are legally protected from people who provide housing below standard, but we also need to be real in this country, realizing that people need homes. Kids many times cannot afford to live in the neighborhoods within which they are raised.

We need to change the laws in this country to fast track housing, and yet assure that the environmental levels will be addressed correctly.

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

Mr. SCOTT of Georgia. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LEE).

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

Mr. Speaker, let me just say to the gentleman from California (Mr. GARY G. MILLER), one point I want to emphasize also as to why this is so important is that in many of our communities that are diverse economically and ethnically, what we are seeing is the resegregation of America because of income disparities. In many communities, such as mine, for instance, you have a diminishing African-American population because the cost of housing has gone up so high and the income level has not been on par with the cost of housing.

So I just want to say this bill has far-reaching implications, because, in fact, we all agree that an integrated America is also the American dream, and we want integrated communities, not communities where one cannot afford to reflect the ethnic diversity of our great country.

Mr. SCOTT of Georgia. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), who is a strong voice for working people, to make sure all people have access to housing, and especially those in the lower income and housing projects, of which he represents 80 percent.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. SCOTT) for yielding me time. I also want to commend the subcommittee of the Committee on Financial Services that is dealing effectively in many ways with the creation and development of instruments that lend themselves to increasing homeownership. So I come to support this resolution.

We have heard how home ownership is a part of the American dream. I think it is commendable that we can boast of 68 percent homeownership in America. But, at the same time, I am reminded of disparities that exist.

For example, in my Congressional district only 38 percent of the people own their homes. Only 28 percent of the African Americans in my Congressional district own their homes. Yet I

commend Fannie Mae, Freddie Mac, local mortgage companies, banks, the City of Chicago, for programs that have been established and are working well.

I also commend the Congressional Black Caucus, who recognized that with ownership comes wealth, and has created a national program called WOW, With Ownership Wealth, pointing out to people that you can spend 50 years paying rent, and at the end of 50 years all that you really have to show is a drawer full or a desk full of rent receipts; that you have no ownership, no equity value, nothing that you can pass on to those coming after you.

So we still need additional instruments, because, for many Americans, the dream is still a horrible nightmare, because they feel that there is no way they can purchase a home. They think that you have got to have too much down payment. They think that their credit does not meet the standards or the requirements.

So as we commend ourselves, we also need to continue to look for instruments that can help make the American dream for more of our citizens a reality, so that they too can have that dream of living in the house by the side of the road, watching men and women go by.

So I commend the subcommittee for its progress, I support this resolution, and urge that we continue to find those ways that can include and bring more people into the system.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been pointed out in this afternoon's discussion on this very, very important piece of legislation, to own a home is the foundation for wealth building in our country. We are making great progress, but there is yet much more that we have to do, especially when it comes to the minorities, African Americans, and Hispanics, particularly.

But I am so proud to be a part of the Committee on Financial Services and on the Subcommittee on Housing and Community Opportunity, for we are making great progress, and not only making sure that we address the issue of homeownership, but, in addition to that, making sure that we put policies and programs in place that will make sure they maintain those homes and to build on that progress.

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A measure that we have in our committee, the Financial Literacy Act, is to make sure that people are not taken advantage of when they do own a home. Very important. A key point of that bill is to set up a toll-free number so that individual homeowners will have access to get information and know where to call to get information before they sign on the dotted line. And it is so important that at the other end of that phone line that there be a human being, not a recorded voice, but a human being answering and responding to that measure. We are very proud of that bill.

Our housing counciling bill under the gentleman from Ohio (Mr. NEY); our zero down payment which eliminates the down payment for those FAA-guaranteed mortgages; and again, an issue that was pointed out by my distinguished friend, the gentleman from California, as well as my ranking member, the gentleman from Massachusetts (Mr. FRANK), and that is we must expand FHA loan limits to include high-cost areas like California and Massachusetts; and we are working on that.

Mr. Speaker, free credit reports, and some financial education creative matters that we are working on that I want to mention very briefly as I close. We have got to get down to the nitty-gritty with our young people and start financial literacy programs in the early grades; and I am proud to work with my distinguished colleague, the gentlewoman from Illinois (Mrs. BIGGERT), in putting forward a piece of legislation that will require financial literacy, age-appropriate, K through 12; and we will get that funded by using the Global Fund of Securities and Exchange Commission. And the gentleman from California (Mr. DREIER) is working to make sure that we set aside monies in the Treasury Department to make people aware of financial literacy programs.

Mr. Speaker, this Congress is doing a wonderful job, and I am so delighted that we are here with this legislation, H.R. 658, to recognize Homeownership Month as the month of June.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I would like to commend all of my colleagues on the Committee on Financial Services, on the Democrat side and Republican side, especially the gentleman from Ohio (Chairman OXLEY) and the gentleman from Ohio (Chairman NEY), who have had a real interest in housing, and the gentleman from Massachusetts (Mr. FRANK), who is a good friend of mine. We have probably done more legislation on housing than any two Members that I know of. But he and I are like-minded on the needs of housing for our future.

This is not a Republican, issue nor is it a Democratic issue. It is an issue for our future, for our children, for our grandchildren. Do we want to continue the situation with the shortage of housing in this country, or do we want to change that? In many cases, it is the government's responsibility to look at what we have done, and sometimes we need to step back and change some of that. FHA reform, I applaud my colleague for emphasizing that, again. We are ready for markup on that. It is about time FHA kept pace with the market. It is a good program that works. The gentleman from Massachusetts (Mr. FRANK) and I have introduced legislation to resolve this problem and, hopefully, before this year is over, can have a bill signed into law that will work.

But I would also like to commend the builders in this country, the Realtors, the subcontractors, mortgage brokers, the mortgage bankers, the financial markets, the title companies, the escrow industry, all of those people who work hand in hand, putting together a large puzzle to provide housing in this Nation. They do a wonderful job, they work very hard, and we need to do what we can to assist them.

Mr. Speaker, I urge all of my colleagues to support House Resolution 658. It is a bipartisan bill. It is a good bill. Let us start to continue to look and focus on the housing needs of our country.

Mr. NEY. Mr. Speaker, I rise today in support in H. Res. 658, which recognizes National Homeownership Month and the importance of homeownership in the United States. Offered by my colleague and friend from California, Mr. GARY MILLER, this resolution is a testament to the benefits of a strong and robust housing market in this country.

A home is more than just the symbol of the American Dream; it is the backbone of the American way of life.

Over the past three years, the housing market has driven the national economy, as Americans bought and refinanced homes in record numbers. Many regions were spared the worst of the recent recession due to the strength of some local housing markets.

Today, the housing sector directly accounts for about 14 percent of the country's total Gross Domestic Product. Building a home involves multiple segments of our economy, including builders, bankers, mortgage lenders, realtors, and numerous others. For every 1,000 single-family homes built, we see 2,500 jobs created, $75 million in wages earned, and $37 million in tax revenues generated.

June is National Homeownership Month and so many of our partners celebrate this because in America, every citizen—regardless of race, creed, color, or place of birth—has the opportunity to own a home of their own. And, new homeowners can create wealth for their families for generations to come, while also helping transform neighborhoods and communities.

Right now 68 percent of all families own homes.

However, the homeownership rate for minorities is around 50 percent. This must improve.

Lagging minority homeownership rates are a serious concern. Minority households are expected to account for two-thirds of household growth over the coming decade.

Improving the ability of such households to make the transition to homeownership will be an important test of the nation's capacity to create economic opportunity for minorities and immigrants and to build strong, stable communities.

Last year, the Housing Subcommittee assisted in the successful enactment of 11 housing related bills. Through bipartisan cooperation with Congresswoman KATHERINE HARRIS and Cong. ARTUR DAVIS, Congress and the Administration were able to enact legislation

that today is making existing housing programs work better.

Of those enacted last year, the American Dream Downpayment Act and the proposal to raise the FHA multifamily loan limits are helping thousands of individuals and families realize the dream of homeownership. I am especially proud of the American Dream Downpayment Act, which will provide $200 million in grants to help homebuyers with the downpayment and closing costs.

Sponsored by Ms. HARRIS and Mr. DAVIS, this bill will assist 40,000 families annually achieve the dream of homeownership and will make available subsidy assistance averaging $5,000, to help low-income, first-time home buying families.

In an effort to continue the goal the increase minority homeownership, on June 3rd of this year the House Financial Services Committee approved HR 3755, the FHA Zero Down Payment Act. This bill, introduced by Congressmen TIBERI and SCOTT, would provide a program to eliminate the downpayment requirement for certain families and individuals who buy homes with FHA-insured mortgages.

During the enactment of the American Dream Downpayment Act last year, we learned that the biggest obstacle to homeownership for most families is the inability to save enough cash to meet down payment and closing costs. HR 3755 is a good bill that represents another important step forward in helping all Americans achieve the dream of homeownership.

In closing, let me say that the federal government, consumers, and the housing industry are linked by our mutual goal of creating housing opportunities for more Americans.

We have much to achieve together for the American people, and our best hope of being successful is to work in close concert with each other—guided by the same high standards and principles and motivated by the same goals.

In that way, we will continue to open up our communities to new opportunities for growth and prosperity.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 658, which recognizes National Homeownership Month. Owning a home is a central part of the American dream, and I am pleased that this dream is within reach of more families than ever before. Home ownership is now at a record high in the United States, with 68.6 percent of all American families and over half of all minority families owning their own home.

Buying a home is the largest personal investment many families will ever make. Homeownership provides economic security for American families by helping them build wealth over time. Expanding home ownership also helps strengthen communities, as owners feel a greater stake in their local schools, civic organizations, and churches.

We have a lot to be proud of in the expansion of home ownership throughout our communities, but there is still work to be done. We must recognize and strengthen the working partnerships between the public, private and non-profit sectors in promoting home ownership, and we must provide greater support to FHA and related programs which help provide the means for lower income families to buy their first homes.

Mr. Speaker, owning a home is becoming a reality for more American families, and we must use National Homeownership Month to continue working towards providing this piece of the American dream to all Americans. I thank the gentleman from California for introducing this important resolution and I urge my colleagues to support it.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 658.

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. SCOTT of Georgia. 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.

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR OF HON. DALE E. KILDEE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Barbara Donnelly, Deputy District Director of the Honorable DALE E. KILDEE, Member of Congress:

DALE E. KILDEE,
HOUSE OF REPRESENTATIVES,
5th District, MI, June 21, 2004.

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

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

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

Sincerely,

BARBARA DONNELLY,
Deputy District Director.

PROVIDING FOR CONSIDERATION OF H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 683 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 683

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this 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.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted an open rule for H.R. 4613, the Fiscal Year 2005 Department of Defense Appropriations Act. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule also ensures that the United States Government shall take all steps necessary to guarantee the full faith and credit of the government.

Mr. Speaker, this is a fair and open rule for a very important bill. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill as long as their amendment complies within the normal Rules of the House.

H.R. 4613 comes at a particularly crucial time for our Nation's Armed Forces. The Iraqi conflict and our continuing war on terrorism have brought a renewed and proper focus on national defense. In our global campaign against global terror, our military must have every resource, every tool, every weapon, and every advantage that they need for the missions to come.

This legislation addresses the needs of a Nation at war on multiple fronts.

It contains $391.1 billion for the Department of Defense. It also provides an additional $25 billion requested by the President for early fiscal year 2005 costs associated with operations in Iraq and Afghanistan. The primary focus of the legislation is protecting our troops on the battlefield. Our men and women in uniform depend on having the necessary systems and equipment to be successful in accomplishing their mission.

Many of us have been concerned about the lack of armor available for our Humvees and other trucks. This bill addresses that concern by providing $674 million for an additional 2,996 up-armored Humvees, and $198 million for ballistic protection. These improved ballistic Humvees will protect our soldiers from anti-personnel armor-piercing munitions, and improvised explosive devices, or IEDs.

In the near term, the outcome of our war against terror depends on the courage of our personnel on the frontlines.

I am pleased that this bill makes significant improvements in the quality of life of the men and women who serve in the Armed Forces. These improvements include a 3.5 percent military personnel pay raise, and increased levels for basic allowances for housing by eliminating service members' average out-of-pocket expenses from 3.5 percent to zero in 2005. We can never pay our men and women in uniform on a scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

Today, more than ever, we also owe those in uniform the resources they need to maintain a very high state of readiness. Our enemies rely upon surprise and deception. They used to rely upon the fact that they thought we were soft. Well, they have gotten the message that we are not. Our forces must be ready to deploy to any place around the globe on short notice, and this bill provides over $120.6 billion for operation and maintenance. This Nation must have and will have ready forces that can bring victory to our country and safety to our people.

The world's best soldiers, sailors, airmen, and Marines also deserve the world's best weaponry. To ensure this, our Nation must invest in procurement. This defense bill contains $77.3 billion for procurement.

The continued development and procurement of the M-Gator is also made a priority in this year's bill. The U.S. has deployed the M-Gator to the Balkans, Afghanistan, and Iraq, providing our troops with the support and the mobility they need to successfully wage war.

With the continued support and commitment from Congress, researchers will be able to enhance the M-Gator's capabilities with silent operation, precision control, and machine intelligence. These technological enhancements will continue to help make the United States military the most technologically advanced and best prepared force in the world.

This Nation must give our military the weapons it needs to meet future threats. If the war against terror means that we must find terror wherever it exists, pull it out by its roots and bring people to justice, our military must have the means to achieve that objective.

Now, more than any time in our Nation's history, we are relying on the men and women who so faithfully serve our country in the National Guard. H.R. 4613 contains language that will help us continue to provide strong support for our National Guard.

In my State of North Carolina, universities and community organizations are coming together to help develop a comprehensive program to effectively support our citizen soldiers. This bill recognizes the importance of this program and provides language to help integrate the National Program For Citizen Soldiers Support with the Defense Department's ongoing efforts to support our men and women in uniform.

Some of our greatest defense resources are found in the classrooms and the labs of our universities. This bill continues to recognize the important role our universities play in research and development for the Department of Defense. Funding in this year's bill will help researchers at the University of North Carolina at Charlotte study optoelectronics and superlattice nanotechnology, two technologies that are on the cutting edge of defense R&D. To that end, I urge my colleagues to support this rule and support the underlying bill. Now, more than ever, we must improve our national security.

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

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

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

Mr. FROST. Mr. Speaker, the annual Department of Defense appropriation bill is one that can truly be called bipartisan. It is developed on a bipartisan basis in the Committee on Appropriations, and it usually enjoys bipartisan support on the floor of the House. It is a bipartisan bill because it is of importance to our country.

Providing for our national defense is one of our most important duties as Members of Congress. Providing funding for our troops to ensure their safety and success of the war on terror is our obligation.

□ 1315

This year's bill is no exception. The Committee on Appropriations has put together a good bill, one that that provides vital support for our troops in times of war. This bill gives our troops a much deserved 3.5 percent pay raise. It gives the Department of Defense $25 billion for emergency supplemental funding for the war on terror.

These funds directly and significantly aid our servicemen and women by providing them with the tools they need to fight the war on terror and return home safely. It will provide every soldier with body armor, allow for more armored Humvees, and increase the size of the Army to relieve the burden on our overworked soldiers.

The Department of Defense appropriations bill not only aids our troops overseas, it also helps our communities here at home. The bill before us today funds several defense and weapons programs manufactured in north Texas. Lockheed Martin will receive $4.1 billion for 24 F–22 Air Force fighter aircraft, and $4.4 billion for the Joint Strike Fighter. Just over $200 million is provided for three Global Hawk High Endurance Unmanned Aerial Vehicles, a program supported by Vought Aircraft Industries in Texas. And Bell-Textron will receive over $1.1 billion for 11 V–22 aircraft.

By funding the continued development of these weapons systems, we are not only providing for the long-term support and protection of our troops, we are preserving good jobs for hard working Americans in my part of the country.

Mr. Speaker, I have been a Member of Congress for more than 25 years. And each and every one of these years I voted in favor of the Department of Defense appropriations bill and its rule. But this year, Mr. Speaker, the Republican leadership has snuck a last minute provision to raise the debt limit into the bill.

The so-called ''full faith and credit'' clause will allow this House to raise the debt limit by nearly $700 billion as part of the conference report on the Department of Defense appropriations bill. $700 billion is almost twice as much as we are spending on the entire Department of Defense under this bill.

Some Members on the other sides of the aisle will tell you that this clause does not mean anything, it is just a procedural item. But I have been here long enough to know when someone is trying to pull the wool over your eyes. And this House leadership is trying to pull the wool over the eyes of the American people.

So this year, Mr. Speaker, although I will vote in favor of the underlying bill, I will vote against the rule. I am incensed at this underhanded move to raise the debt limit, and shortly I will attempt to defeat the previous question by offering a motion to strip this deceptive provision from this important bill. I hope my colleagues on both sides of the aisle will join me.

The defense appropriations bill has always been a bipartisan initiative. Introducing partisanship into the war on terror is absolutely inacceptable. I resent that anyone would use this bill as a political tool to raise the national debt and threaten the possibility of its passage. Shame on all of you.

A vote on the debt limit deserves a separate vote. If consideration of the defense appropriations bill is rejected or delayed because you insisted on playing petty political games, you will

be held accountable by the American people and by our troops.

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

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise in strong support of this rule. I thank the Committee on Rules for quickly getting the fiscal year 2005 defense appropriations bill to the floor. I strongly support the defense appropriations bill.

I want to commend the chairman, the gentleman from California (Mr. LEWIS), the ranking member the gentleman from Pennsylvania (Mr. MURTHA), and the entire Committee on Appropriations Subcommittee on Defense for their outstanding work during this critical time for America. They had to balance many difficult needs and did a great job.

The last several months have been very difficult for our military. First the actions of a few at Abu Ghraib prison, and then the barbaric murders of Nicholas Berg and Paul Johnson. They have reminded us of the true nature of our enemy and why we must win this war.

Our troops are on the front line fighting this war for each of us, and they deserve our full support and gratitude.

The bill contains $416 billion in discretionary spending for the Department of Defense. It includes many important provisions for our troops and our military operations. More specifically, the bill increases the intelligence budget, supports national missile defenses, provides program increases to support the military transformation process.

The bill also provides $25 billion in supplemental funding to ensure that our men and women fighting in Iraq have all the resources they need.

Finally, it funds many important weapons programs that will ensure our military strength for decades to come. Some of those critical weapons programs are the F–35 Joint Strike Fighter, the V–22 Osprey, and the FA–22 Raptor.

This bill provides funding levels at $4.4 billion for the Joint Strike Fighter, $1.9 billion for the V–22 and $4.6 billion for the FA–22. These programs are critical to military transformation. And I want to thank the gentleman from California (Chairman Lewis), the gentleman from Pennsylvania (Ranking Member MURTHA) and all committee members for supporting these programs.

I want to conclude my remarks by offering sincere appreciation to our armed services for their service and sacrifice to bring freedom to the oppressed and protection for our Nation. For this they deserve the very best we can give them for the quality of life and their protection and their support.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the majority is currently planning to include a provision in this rule that will effectively allow an increase in the Nation's debt ceiling. In my view, this procedural gimmick is an abuse of the troops that this bill is meant to support. It abuses the troops in order to hide responsibility. It epitomizes the total lack of shared sacrifice that this administration and the Republican majority have hoisted on the American people.

This administration has taken action in Iraq on the basis of misguided, misinformed, and manipulated intelligence. It has exposed American troops to greater risk than necessary because of poor post-war planning. It has so stretched the Army that it has effectively reinstituted the draft for those in the Guard and Reserve who are now being told that they will have to extend their service in Iraq beyond their original hitch.

While this administration has been asking for so much sacrifice from those servicemen and women, it has asked for virtually no sacrifice from the most well off and the most well connected members of this society. The administration has run up huge additional debts in order to give those people supersized tax cuts averaging over $80,000 for people that make $1 million or more.

The majority is then using the defense appropriations bill as a vehicle to enable them to continue the reckless additions to this debt brought on by those tax cuts. It is a cynical game that should shame even those who run this Congress.

A vote for the previous question on the rule is most certainly a vote to increase the debt ceiling by almost $1 trillion. People ought to vote no. You ought to strip this rule of the extraneous material and allow us to vote up or down on the defense bill if we are indeed trying to accomplish the purposes which the defense bill is presented to us to accomplish.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in support of the rule that will provide consideration for H.R. 4613, the defense appropriations bill. This legislation focuses on force protection and personnel benefits for the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base. The ability to adequately execute the mission for which they are called and to care for their families are the two issues that are second to none.

I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue successfully prosecuting the war on terrorism.

My trip to Iraq this past March, the second I made, did nothing but reinforce my admiration and pride in our Nation's warfighters. These brave men and women serve with honor and distinction as they have liberated a Nation.

Troops from the 8th District of North Carolina have been at the very tip of the spear that ended the dark reign of Saddam Hussein and continue to lead the way in post-conflict resolution in Iraq and Afghan span.

This legislation first and foremost takes care of our most vital asset of our military: Our people. It provides every service member with an across the board 3.5 percent pay raise. It also includes $2.3 billion for individual soldier equipment and critical force protection requirements. It also funds and restructures Army brigades which will be rotated into theater.

I would also like to take this opportunity to highlight two very important projects at the University of North Carolina at Charlotte. H.R. 4613 funds the completion of the Optoelectronics Center, a project which will focus on the development of fiberoptic devices and interconnects necessary for chip-to-chip and board-to-board optical connection needs to achieve the high-speed, low-powered devices.

This will enable miniaturization and integration of optical transceivers and sensors. Additionally, H.R. 4613 provides funds for superlattice nanotechnology that will enable a next generation of wide band, high power, and digital systems to become a reality.

I appreciate the committee's recognition of the great work and research that UNCC performs and look forward to bringing these technological advances to the battlefield.

Currently about 3,500 members of North Carolina's National Guard are deployed in support of operation Iraqi freedom. It is the largest deployment in our State's history. And it is vital that we take every measure to care for their families while they are away.

I am happy that this legislation funds efforts designed to help ease some of the hardships of these families. Mr. Speaker, it is a gross injustice and misfortune that it took the tragedy on September 11 to focus the public eye on the needs for a more robust defense budget.

I feel the legislation in front of us today will help our troops accomplish their mission, establishing a clear and strong course of support for our troops and continue to successfully prosecute the war on terror. I encourage my colleagues to send a message loud and clear to our soldiers, sailors, airmen, Marines, coasties and terrorists that we will strongly support our troops and give them the resources necessary to perform the mission at hand. I urge strong support of this legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the whip.

Mr. HOYER. Mr. Speaker, 11 years ago, the majority leader, the gentleman from Texas (Mr. DELAY), stood on this House floor and here is what he said: ''Here we are being asked this week to raise the debt ceiling so that this government can go on borrowing

money to take care of its spending habits, and I think that is outrageous. I hope Members of the House will vote against raising the debt ceiling.'' So said the gentleman from Texas (Mr. DELAY) the majority leader.

He went on to say, ''And I hope the American people will contact the Members of this House, Mr. Speaker, and urge them to vote against raising the debt ceiling.''

Now, the Chair of the conference, Republican conference said this: ''You see, certain lawmakers around this place have hopes of hiding a debt limit increase in a jungle of budget resolutions and conference reports. Mr. Speaker,'' said the gentlewoman from Ohio (Ms. PRYCE) chairman of the Republican conference, ''before we give them license to start construction, we must demand a separate vote on increasing the debt limit.''

I ask the distinguished lady from the Committee on Rules, are we doing that?

Well, my friends, the Republican leadership, is that your position today? Are you urging Members to vote against raising the debt ceiling for the third time in three years under your watch? Under Bill Clinton's watch in the last 4 years of his Presidency, we raised the debt limit not once. Not once. Under Ronald Reagan we raised it 17 times. In the 4 years of George Bush 1 we raised it 10 times. Under this president, this is the fourth increase and it is going to be probably somewhere in the neighborhood of $2 trillion additional debt that the children of America will be called upon to pay. And we do it without a vote.

This rule is a good rule. It should be passed unanimously. But just as they did last week in trying to pass their awful tax bill, they put things in to try to sweeten the pot. But this time you put it in to try to hide it.

Contrary to what the gentleman from Texas (Mr. DELAY) said, contrary to what the gentlewoman from Ohio (Ms. PRYCE) said, contrary to what the gentleman from Iowa (Mr. NUSSLE) has said, you are going to hide this vote because you do not have the courage to stand up and say I want to increase the debt, I want to undermine Social Security, I want to undermine Medicare. I do not want to be honest with the American public.

□ 1330

It is called situational ethics. It is not about ethics; it is about the situation. It is about whether we think it works. We ought to reject this rule. It is not right. The gentleman from Texas (Mr. DELAY) said vote ''no.'' The gentlewoman from Ohio (Ms. PRYCE) said no. Let us vote ''no.''

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman from North Carolina for the time.

Now, there is a lot of concern here about the mechanics of what we are about to do: pass a rule, increase the debt limit, provide for the welfare of our young men and women in uniform. But I think when we are moving forward, mostly through all this rhetoric, we need to step back and look at the history of our economy, see how we got into this position and why it is important that we move forward.

I know a lot of my colleagues remember back in the late 1990s, we had an overheated economy. The Federal Reserve reacted by raising interest rates. Then we had the tech bust of 1999, followed by the beginnings of a recession in November of 2000. Then September 11, 2001, hit. We saw a huge blow to our economy. In my hometown of Wichita, Kansas, we had the highest percentage of jobs lost in the total community compared with any other city in the United States. Our aerospace community, the air capital of the world, saw more layoffs in aerospace than we have seen in a short amount of time since World War II.

During that period of time, the Federal revenue has dropped 14 percent. There have been increased demands on the Federal budget. We have increased homeland security to make our Nation safe. We have increased our spending on defense to fight the worldwide war on terrorism; but when our revenues dropped, nobody down here complaining today about how we are doing business said, well, let us cut Medicare by 14 percent so we do not have to raise the debt. Nobody came down here and said let us cut Social Security by 14 percent so we do not have to raise the debt. Nobody came down here and said let us cut education by 14 percent so we do not have to raise the debt.

Well, let us do the math: decreasing revenue because of the impact of terrorism and a recession that started around the year 2000, increasing demand on the battle to fight terrorism around the world and a higher Federal debt. So if we do not address this problem, if we do not use the most expedient means available, we will not be able to fund Social Security. The threat of not having checks going to seniors in America would become reality. No one wants that.

So where is the grief here? Where is the contrary opinion? Do those who advocate a different solution here want to come down and say let us not raise the debt? I think they know the practicality of what we have to do.

We have to move forward and conduct the business of the United States Government, and that includes addressing an issue that is very difficult for many of us to address. I did not come to Washington to raise the debt. I doubt if anybody came to Washington for the purpose of raising the debt, but we are pragmatic. We are realists. We know that there have been attacks by terrorists against our very culture, using our own technology against us. We know that we are being sabotaged around the world. We know that there is an increased demand on what the Federal Government is trying to protect our Nation.

Now, there has been some implication on the floor that there has been some misleading of Americans that perhaps we are not telling the truth. This is a free and open society. Everything we do is a matter of public record. There is no deceit here on the floor of the House, not when it comes to this issue, this bill, raising the Federal debt limit.

So I do not want to leave anybody with the impression that we are trying to hide a thing. It is all a matter of public record, and I think it is very important that as Americans we acknowledge that we have some tasks that are not easy to handle, but, yet, this is something necessary. The circumstances demand it.

So Mr. Speaker, I say that we should vote for this rule and that we should move forward with this legislation to continue the function of the government.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I appreciate the refreshingly honest statement of the gentleman from Kansas and what he just said because he stated quite clearly this is a vote to increase the debt ceiling.

I want to ask the gentlewoman from North Carolina if she concurs with that statement, that by voting for the previous question and this rule it is a vote to increase the debt ceiling through $8 trillion?

Mrs. MYRICK. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Speaker, this really is a very simple procedure to add language to the bill and that will allow for the possible future consideration of an increase in the national debt limit. That is what this does is allow for that to happen in the future. It is the same language that was done in 2002 in the supplemental.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman and I thank the gentleman from Kansas for making it very clear by voting for this rule, by voting for the previous question my colleagues are, in fact, voting to increase the debt ceiling. That is critical because there are those that want to avoid that at all costs.

Now, we should not be using this Defense bill for this purpose because it is an open rule. There is strong bipartisan support for supporting the troops. We should not be mixing politics up in this issue.

My friends on the other side would like folks to believe that the debate we are having today is simply about partisan politics and procedural tactics. That could not be more wrong.

The only thing I disagree with the gentleman from Kansas, if my colleague wants to say all of these things

that happened in the past created the deficit and that, therefore, we have to increase the debt ceiling, my colleague could persuade me if we were setting in place a policy that would do something about the deficit next year and the year after that and as we prepare for the baby boomers. But to continue the economic policy that has driven this country to borrowing $2 trillion in a period of 4 years and then to come on and say, well, we are trying to put it in the Defense bill, that is wrong.

It is wrong for those that we prepare to spend the money to back our young men and women who are over in Iraq and Afghanistan today. It is wrong for us to say we want you to win, we pray every day you are going to be safe, but by the way, we are going to keep borrowing $500 billion a year under the economic policy that we have not got the guts to change on this floor and then add it to a Defense appropriation bill.

But it is nice to have somebody to come on this floor and to clearly identify for all 435 of us, if my colleagues vote for this previous question, they are voting to increase the debt ceiling. That is why I will vote ''no,'' and I will encourage all of my colleagues to vote ''no.''

Separate the two issues. Let us support the troops with a rule that could pass unanimously, but let us deal with the economic policy of this country by having an honest debate on how we are going to do something about these deficits that we are talking about.

I rise in opposition to this rule which will allow Congress to increase our national debt limit to more than $8 trillion without a separate vote on this issue. We should not use a spending bill intended to support our troops to hide a long-term increase in the debt ceiling so we can leave more debt for our troops and other young men and women to repay in the future.

My friends on the other side of the aisle would like folks to believe that the debate we are having today is simply about partisan politics and procedural tactics. They could not be more wrong. This debate is not about politics or procedure. Rather it is about the financial condition of our nation and whether we will continuing piling on more and more debt on our children and grandchildren.

A vote for the rule is a vote for using parliamentary tricks to sneak through an increase in our national debt more than $8 trillion. I would say to my Republican colleagues that if you honestly believe that tax cuts with borrowed money is good economic policy, you should be willing to stand up and vote to borrow the money to pay for their tax cuts instead of relying on undercover parliamentary tricks. While an increase in the debt limit is necessary to avoid a default, it would be irresponsible to provide a blank check for increased borrowing authority without taking action to stem the tide of red ink.

Before Congress votes to approve a substantial increase in the debt limit, the President must work with Congress to put the fiscal house back in order, just as a family facing financial problems must work with the bank to establish a financial plan in order to get approval to refinance their debts.

Congress has an obligation to re-examine our long-term budget policies in light of the dramatic reversal in our nation's fiscal condition before approving a substantial increase in our borrowing authority. At a minimum Congress should restore discipline and accountability in the budget process by reinstating budget enforcement rules which make it harder to pass legislation which would put us further into debt. Adoption of this rule approving an increase in the debt limit will allow the government to continue on the path of deficit spending, borrowing from the Social Security trust fund and a ballooning national debt.

I urge members to vote against the previous question and against this rule.

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

I would just remind the gentleman, when we passed the bill through the House recently for the budget, we did put a freeze on discretionary spending for the first time in a long time which is the beginning of paying that down.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman for the time.

I think it is very interesting that the gentleman from Texas would like us to do something about what is going on. Well, we have done something. It is hard to ignore that when we look at the economy today.

We passed tax relief that did one of three things for Americans, when putting money in their pocket. They either spent it, which was demand for goods and demand for more jobs; or they saved it, which made money available in the form of home mortgages, which drove the home building industry and created more jobs; or they invested it, which has allowed many American corporations to expand.

Right now, in the State of Kansas, unemployment just dropped three-tenths of a percent because we have an expansion in our economy. Well, what happens when we have an expansion in the economy is we have more Federal revenue, and our Federal revenue is going up. We are doing something about Federal revenue, but right here on the floor of the House we also passed a Republican budget that froze domestic spending. The results are that we now have more Americans working than we have ever had in the history of our country. We have the lowest unemployment and lower than average of the 1970s, 1980s and 1990s; and we have one of the fastest growing economies, growing so fast that the Federal Reserve is now considering raising interest rates so they can slow it down a little bit.

We are doing something about this Federal debt. We are very proactive in that, but the gentleman from Texas said he was willing to do anything at any cost. He said at any cost. Is he willing to cut Social Security? Is the gentleman willing to cut even education? Is the gentleman willing to cut Defense? What does ''any cost'' mean?

I think a vote against this rule is a vote against funding the government and threatening Social Security, veterans benefits, and all of those things that we are doing right to protect our young men and women in uniform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I agree with my fellow Blue Dog, the gentleman from Texas (Mr. STENHOLM), that votes on the debt ceiling should not be part of the rule and will oppose it; but the underlying legislation, the fiscal year 2005 Defense Department appropriations bill, is worthy of support. Given Congress' constitutional responsibility to provide for the common defense, this is perhaps the most important appropriations legislation we consider each year.

We could not ask for two more capable colleagues to have as managers of the bill. As in previous years, the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Ranking Member MURTHA) have risen above partisan politics and brought a Defense bill to the House floor that reflects America's defense priorities.

Specifically, I applaud the committee's work in funding the Future Imageries Architecture program, the Arrow Weapon System, and in fully funding the F–15C radar upgrade. I also appreciate the committee's robust support for missile procurement. I am concerned that the bill reduces funding for some important classified satellite programs, but remain hopeful that any issues can be resolved prior to conference with the Senate.

The centerpiece of the Defense appropriations bill is, of course, $25 billion for the war in Iraq. Unfortunately, the administration only requested funds to get us through the first quarter of fiscal year 2005. They say additional funds will be requested after the November election. Nonetheless, the Committee on Appropriations is working on a bipartisan basis to make sure that our soldiers are well-trained and -equipped.

In contrast, the Intelligence authorization bill, which we will consider later this week, significantly underfunds critical counterterrorism programs. We need an authorization bill that fully funds the intelligence community's requirements. The bill voted out of the Permanent Select Committee on Intelligence on a party-line vote last week funds less than one-third of the American counterterrorism needs.

Mr. Speaker, this continuing practice of funding the intelligence community in bits and pieces has been roundly criticized by Members on both sides of the aisle. The intelligence agencies tell us this practice makes it impossible to plan, forcing them to rob Peter to pay Paul until additional funding is available.

Mr. Speaker, in closing, I urge support for the Defense authorization bill

and hope that later this week we will do better to build a bipartisan Intelligence authorization bill that fully funds our counterterrorism needs.

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

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

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

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

Mr. Speaker, I have seen it all. When it comes to the deficit, I have seen this House duck, and I have seen this House dodge; but this rule takes the cake. They pull out at a must-pass bill, Defense appropriations, and deep within the rule they bury some vague language on our national debt. Later, when the doors are shut, the conference is started, the cigars are lit, this language will be transformed into a $690 billion increase in the ceiling of our national debt. No audit trail, no fingerprints, no responsibility.

Our Republican friends cut taxes, they raise spending, they run up the debt; and if that were not bad enough, now they want to escape responsibility for the actions they have taken.

Let me say to our children and grandchildren, when they ask who left us with this mountainous debt, on President Clinton's watch in the years 1998, 1999 and 2000, we ran a surplus in 1998 of $236 billion, a surplus in each of those years and we paid off debt. We paid off $362 billion of debt on his watch.

In 2001, when President Bush came to office, he inherited a budget in surplus; and he predicted that under his policies there would be no need for a debt ceiling increase, that was the President's prediction, until 2008. That was a prediction of what the debt would be in 2008. He also predicted in this book called a ''Blueprint For New Beginnings,'' page 201, Table S–16, that in the year 2011 there would be no statutory debt of the United States left. It would all be paid off.

□ 1345

Well, here we are in 2004, and the Bush administration has had to raise the debt ceiling two times already. One to go. Three increases in 4 years that total $2.124. Three increases in 4 years that total $2.124 trillion. And if you take the Congressional Budget Office's projection of the President's budget, done last March, you will see this is another in a series of debt ceiling increases; not by any means the last.

In fact, CBO projects that the President's budgets will require the Federal Government to incur, get this, $5.571 trillion of additional debt between now and 2014. As a result, this will bring our total debt, these numbers are too hard to even imagine, to $13.645 trillion. That is the course this administration has put us on.

This is some legacy to leave our children. And it is a cruel irony that it comes to us wrapped in the flag, buried inside a defense bill, to which it has no relation, provided we pass this rule and put it there. And we should not pass this rule. This rule is a travesty. We should not pass it. There is no difference between this rule and the off-balance sheet financing that Enron did to hide its liabilities.

If we want to stand up for the House, stand up for the process, stand up for self-respect in this institution, we should start by voting down this rule. Be on notice, however, if you vote for this rule, this rule, make no mistake about it, will raise the debt ceiling of the United States to $8.074 trillion. Remove the smoke, remove the mirrors, and that is what this rule will do. It will increase the statutory debt ceiling by $690 billion. Vote against the rule.

Mrs. MYRICK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I have come to the floor to raise my objections to taking the bill that is supposed to be funding the most honorable and the bravest Americans, buying the weapons they need, paying their salaries, taking care of their families, and being used by the sneakiest and the most cowardly Americans to sneak through a $700 billion increase in our Nation's national debt. At some point, even my most hard core Republican friends have to ask themselves: Is there any shame left? Is there anything that you won't foul, by taking a bill that is meant to see to it that fewer American lives are lost in combat and seeing to it that those people, if they make it home, are straddled with the bill?

Now, I notice the gentleman from Kansas made a point of saying, no, the problem is Social Security. Sir, I beg to differ. In the past few years, this administration, this Congress, of which you are in the majority party, has taken $1.580 trillion out of the Social Security Trust Fund, and what folks back home know already is that Social Security more than pays itself. In fact, some of the tax breaks you have been giving to the wealthiest of Americans have been paid for by excess social security taxes, monies that should have been set aside for future needs but instead have been borrowed and spent.

You have done the same thing with the Federal Employees Retirement System, with $612 billion taken out of the system. If a private sector employer had done that, they would go to jail. The Medicare trust funds, $287 billion of money that was collected should have been set-aside for Medicare, but spent so that you can give your wealthy contributors a tax break.

So I would ask any of the people of the 228 who are probably going to vote for this, tell me it is not cowardly. Tell me it is not sleazy to take what is probably the most important, what is undoubtedly the most important function of this Nation, which is providing for its defense, and using that in a cynical attempt to hide an increase in the national debt.

See, I happen to have watched the speech where the President said he could cut taxes, increase spending and pay down the national debt. I would remind my colleagues that since he made that speech, and since May 9, 2001, when your side passed that budget with those tax decreases, with those spending increases you have added $1,567,995,916,652.32 to the debt.

But that is not enough, because your intention is, obviously, to bankrupt this Nation. There can not be any other purpose for running up this much debt. And someone is going to say, well, we have a war to pay for. That is right, but I would remind you if you took the Revolutionary War, the War of 1812, the Mexican American War, the American Civil War, the Spanish-American War, the first World War, World War II, Korea and Vietnam, the Nation borrowed $1 trillion for all of those wars and everything else that happened in the first 200 years of our Nation. In the past 3 years, you have borrowed $1.5 trillion.

So, again, I ask the question: Have you no shame? Is there nothing that you will stoop to in an effort to hide your sneaky agenda?

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I am a little amazed by the comments made by the gentleman from Mississippi. He said that we were cowardly Americans. Now, I know that words have been taken down for a lot less than that, and I think that that kind of language does not have any place on the floor of the House.

We have a free and open society. Everything we do is a matter of public record. There is nothing cowardly about what we are doing here. To try to turn this into something to be called a cowardly act, I think, is really incredible and it is grounds for taking someone's words down.

Let us talk about this Federal debt a little so we can define what Federal debt is. There are two parts to Federal debt: One is the public instruments held by people, like treasury bonds, like savings bonds. Those are financial instruments with a financial obligation that is hard and fast. It is in writing. It is black and white. The rest of the public debt is projections on the future; about how much we are going to need for my Social Security, for your Social Security, for my children's Social Security, for Medicare for all of us, for Medicaid for all of us that require it in the United States. It is a future projection.

Now, if you wanted to do something about the Federal debt, we could change the law. We could cut the benefits for Social Security. Are any of you

suggesting that we should cut the benefits for Social Security to manage the Federal debt? It is just a future obligation. Well I don't hear any of that. In fact, I hear zero solutions.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. TIAHRT. No, I will not yield. I think you referred to me as cowardly, so I do not think I am going to give you any time.

Cowardly Americans. I cannot believe it, Mr. Speaker. I think it was something that should not be tolerated on the floor. And as a warning, if I hear it again, I will ask for the words to be taken down.

Now, another allegation was made that we had cigars lit; that when it was time for the Committee on Rules to meet, that cigars were lit. Well, I was not in the Committee on Rules room. There were people here that were in that room. The last time I was in the Committee on Rules room, it was a no smoking policy. I saw no cigars being lit. In fact, there is a no smoking policy in the Capitol. We have places outside for people to smoke, but there are no cigars lit in here.

I think it is a little misleading to say we are in some dark room in the dark of night lighting cigars and dreaming up ways we can gouge people. Nothing of the sort is going on. We are conducting the business of government. And sometimes it is difficult. There is an old saying about how you do not want to see sausage, or laws being made. Well, this is the part they are talking about. Now. Right now. This is the difficult part.

If we do not address this issue, the rule happens to be the most convenient vehicle, but if we do not address this issue, there will be a shortage of funds in the United States Treasury. Now, what does that mean? The gentleman from Mississippi before me talked about funding the needs of our young men and women in uniform. And he is right, we have to do that. We have to provide them with the bullets and the backup and the vests and the hardened Humvees. All those things we have to provide for them but we cannot if there is nothing in the Treasury.

What we are doing here are the hard cold facts of trying to protect Americans, trying to keep the lights on in this government, trying to make sure that we are safe in our homes, where our kids are going to school, where we shop, where we go to church. And the way we do that is by addressing these tough issues. It is not cowardly. It is the furthest thing from cowardly. It is up front.

People are saying do not vote for the rule because it has this in it. Of all the Members I have heard speak, I do not think any of them have voted for any of the rules this year. It is standard practice for the opposition to vote against the rule. It is standard policy for the majority side to vote for the rule. That is not a reason to call somebody cowardly or to suggest cigars were lit in a dark room. That has not occurred around here.

What has occurred is we have moved forward on carrying out the business of the United States Government.

Mr. FROST. Mr. Speaker, I would inquire about the time remaining on each side.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 8 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 9 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Speaker, I hope that people are paying attention in this country to what is going on here today. Let us review the records of many here. We have collectively in this body borrowed with this bill, or this rule passing, over $2 trillion since July of 2002.

Now, let me say one or two things. When this administration came to town with a Republican House and a Republican Senate, all we heard is less government, lower taxes. And everybody agrees to that. But what have we gotten? We have gotten reduced revenues, more spending, and we are hocking this country to anybody in the world that will buy our debt.

The gentleman a while ago said we have to provide for the troops. You are not providing for the troops. What you are doing is borrowing the money from them and giving them the bill for it with interest when they get home from fighting the wars in Afghanistan and Iraq. We are not providing anything because we do not have the courage to do what every administration and every Congress has done since the War of 1812; and that is when we are in war, we have at least had the courage, we have at least had the honor, we have at least had the decency to ask people that are not risking their lives and dying and having their arms and legs blown off to help pay for it. You will not do that.

You come here, you borrow $450 billion in July of 2002, $980 billion in May of 2003, and today you want to borrow another $690 billion. Two trillion dollars. Interest at 5 percent is a tax increase on the American people of $100 billion a year every year. In the name of cutting taxes, you have increased taxes more than any Congress in the history of this country. One hundred billion dollars a year every year that has to come right off the top, for which we get nothing and for which we are sending checks, interest checks overseas.

Right now, we owe in hard money, not Social Security money, not anything, in hard money, $4-plus trillion. Since you have taken over the economic lifeline of this country, you have increased the debt that we owe foreigners from 31 to 37 percent of that.

You know who is financing the war in Afghanistan, the war in Iraq? It is the Chinese, the Japanese, OPEC themselves, Caribbean banking centers, $70 billion. Just Beijing alone has increased their holdings of American paper, that our taxpayers pay into the Treasury and then we send an interest check to Beijing, over 100 percent in the last 20 months. And you come down here with no plan to get out of it except to cut revenue, increase spending, borrow it all, and put this country in hock to anybody in the world that will buy our paper.

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Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I appreciate many of the concerns of the previous speaker; but I think everybody should be very aware that for the 8 years under the previous administration, there was not one year that we reduced the debt held by the public as defined by law. Not one year. We have increased spending every year two and three and sometimes almost four times the rate of inflation, so a decision has to be made. Do you want to start cutting down spending, or do you want to increase taxes? If we increase taxes, what we do is we put our business at a greater economic disadvantage, competitive disadvantage with businesses that we are trying to compete with in other countries.

I agree with the previous speaker that there is a danger of going deeper and deeper into debt. In fact, Mr. Speaker, I ask people to guess what percentage of our marketable debt is now held by foreign interests. The answer is 45 percent. I just finished a meeting with the Canadian Parliament. The Canadian Parliament now for the last several years has paid down their total debt, not just paid down part of it but paid down so that their net debt has been decreasing. At the same time over the last 10 years in the United States our debt has been continuing to increase.

Let me just say that the language in this legislation that opens the door in conference committee to increase the debt limit might be acceptable. I would be adamantly against it if it set the debt limit in this bill. It does not set the debt limit in this bill. Sometime we are going to have to face up to our overspending and that means discussing increasing the debt of this country. Today, interest on the debt of this country, what it costs to service this debt, the interest on the debt, is $300 billion plus this year. It represents a little over 14 percent of our total Federal spending.

I think both sides should agree, let us start balancing spending with the revenues coming in. Let us not make promises as far as unfunded mandates and unfunded liabilities in Social Security and Medicaid and Medicare.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, this House is entitled to have an open debate and an open vote on raising the debt ceiling. Any family or any business or corporation that applies for debt or to be able to borrow money is going to have to apply for the credit and going to have to make the case. This Congress should do the same.

The truth of the matter is our Republican colleagues do not want to have an open debate or an open vote on raising the debt ceiling because it points to the failed fiscal policies of this administration which has placed this country in the worst financial condition that we have been in our history. We are going to pass 13 appropriations bills to fund the government this year. We are going to borrow an amount equal to 60 percent of all of the appropriations that we vote on this year to run our government. We are in a ditch. We need to face up to it. We need to get honest.

It is particularly objectionable to me to try to hide it in the defense appropriations bill because the truth of the matter is we have sent young men and women to fight in Iraq and Afghanistan; and we are telling them that someday when they come home, they will have to pay for the war that they have been sent to fight. That has never happened in the history of this country. We have always paid our bills in time of war. It is time to do the moral thing, the right thing by our troops and pay for this war with current dollars and not pass it on to the next generation.

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

Mr. Speaker, I will be urging Members to vote ''no'' on the previous question in order to strike from this rule a provision that the Republican leadership would rather Members did not know about. When the Committee on Rules voted to report this rule last night, they slipped in an unrelated self-executing provision that allows for an increase in the debt ceiling. The gentlewoman from New York (Ms. SLAUGHTER) made a motion in committee to strike this provision, but it was defeated.

So Members of this House should be aware that when they vote for this rule, they will be voting to increase the statutory debt limit by almost $700 billion for the next fiscal year. It is no wonder that they do not want Members to know about this. They would rather not have a separate vote or even a debate on the inescapable fact that their budget raises our national statutory debt limit to the highest level in history, to a staggering $8 trillion, an amount that is almost incomprehensible to most of us.

Mr. Speaker, I recognize that there is an honest disagreement in this House over our Nation's fiscal priorities. Many of us believe that, with record deficits and the high cost of the war on terror, we need to reevaluate our budget priorities and find a better way to match our revenues with our spending needs. It seems as though my Republican colleagues do not think there is a problem. They think it is just fine to continue on with the budgetary policies that have brought us into our current fiscal mess. They seem to think it is fine to keep driving up our national debt and let our children and grandchildren figure out how to pay for it.

If that is how my colleagues on the other side of the aisle want to proceed, they should at least have the political courage to vote up or down on this issue instead of relying on undercover parliamentary tricks. If you truly favor the fiscal policies that are sending the national debt through the ceiling, you should be willing to stand up on the floor of the House and vote for them.

I want to emphasize that a ''no'' vote will not stop the House from taking up the Defense appropriations bill. I do not oppose that portion of this rule. A ''no'' vote will simply strip this self-executing smoke screen from the rule so that we do not slip the debt increase through the House with no debate and no separate vote. However, a ''yes'' vote will allow this record-breaking increase to be enacted without a separate up-or-down vote.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

Mr. FROST. Again, vote ''no'' on the previous question.

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

Mr. SANDLIN. Mr. Speaker, I rise today to express my profound opposition to House Resolution 683, a piece of legislation that should be limited to providing for consideration of the FY 2005 Defense Appropriations Act. However, true to form, the Rules Committee has reported a rule under cover of darkness that goes well beyond the normal procedural provision.

Mr. Speaker, the Republican leadership of this House talks a lot about fiscal discipline. It talks a lot about the success of its economic policy. The chairman of the Budget Committee boasts about the success of his budget, about reining in spending, and about reducing the deficit.

Sadly, Mr. Speaker, as this rule makes clear, all that talk and stated pride is little more than smoke and mirrors, and this rule is a shameful abuse of the prerogatives of the People's House.

I am appalled that the Republican leadership of this House would try to hide its budgetary shortcomings by sneaking an increase in our Nation's debt limit into a bill to provide for our national defense and the needs of our Nation's service men and women. The leadership of this House should not use such an important legislative vehicle to mask its failings, and that is exactly what this rule attempts to do. It's just wrong.

Mr. Speaker, there are few pieces of legislation that the Congress considers each year that are as important as the annual Department of Defense Appropriations Act. This legislation is vital to ensuring that the brave men and women who put their lives on the line for this country have the resources they need to protect our Nation against its enemies at home and abroad and to preserve our Nation's most precious resource—freedom—for posterity.

I heartily support the Defense Department appropriations bill to which this rule applies and will join with the vast majority of my colleagues in voting for it.

Mr. Speaker, if there is one issue about which all of us can agree, it is that we must provide all the resources necessary to a robust national defense. Our national security—and the very security of our families and homes—depend on it. This legislation is almost never—and should never be—a partisan measure. In Congress, despite frequent partisan rancor, we historically stand united behind our nation's armed services. Speaking with one voice on such a critically important matter has extraordinary value for friends and foes alike—at home and abroad. It makes clear that our resolve is firm and our commitment sure.

That is why, Mr. Speaker, it is especially appalling that this legislation, on which we should be united, is being cluttered with a completely unrelated provision increasing our nation's debt limit beyond its already crippling size. This is among the most cynical acts undertaken by the Republican leadership of this House during my time in Congress, and that says a lot.

Of course, Mr. Speaker, it is obvious to anyone observing this debate why the leadership of the House has been forced to do this. The Republican leadership of this House does not want a simple up-or-down vote on increasing the debt limit. They do not want to admit to the budgetary woes that our nation feels as a consequence of their failures to live up to the promises of their press releases.

Mr. Speaker, since coming to Congress, I have advocated an open and honest budget process, an open and honest debate on the economic choices before the country in the light of day. The cynical and covert tactics we are witnessing today fully vindicate my view. And so I say to the supposed fiscal conservatives on the other side of the aisle, ''Come out! Come out, wherever you are.'' You should be disgusted by this rule, by this process, as I am.

Just last year, the Republican leadership pushed through an increase in the debt limit of almost $1 trillion, by far the largest increase in the debt limit in history, without an up or down vote in the House of Representatives. Appallingly, this sneak attack on our children and grandchildren came less than 8 months after we raised the federal debt ceiling by a whopping $450 billion.

Well, Mr. Speaker, once again, the spirit of Yogi Berra appears to be guiding the leadership of the House. ''It's déjà vu all over again.'' Today, we launch another sneak attack on future generations—hiding behind the brave men and women who put their lives on the line to preserve freedom for our children and grandchildren—by slipping through another $700 billion increase in the debt limit without any debate.

The Congressional Budget Office projects that the national debt will exceed $10 trillion in just over 4 years under the budget policies of which the House leadership claims to be so proud. What better way to underline the sacrifice of our Nation's service men and women, than to compromise their and their children's futures with an ever-increasing, staggering "debt tax."

Mr. Speaker, this House should have a full and open debate and vote up or down any increase of our national debt limit. It is a breach of the compact we have with the American people to hide behind parliamentary maneuvers to statutorily increase the debt limit without addressing the grave, structural budgetary problems our nation confronts.

If the Republican leadership honestly believes that tax cuts with borrowed money is a good economic policy, they should be willing to stand up and vote to increase the national debt to pay for their tax cuts instead of relying on undercover parliamentary tricks.

Mr. Speaker, today should have been a day to discuss our national defense priorities and to send a clear signal to the rest of the world that the United States is strong and will not shrink from challenges to its security. However, this rule has cast a cloud over that message, and that is a shame.

I will proudly stand up for our national defense and the brave men and women who risk their lives every day to protect us and our families. I will proudly cast a vote for the Defense Department Appropriations Act because of its critical importance to our national security.

But, Mr. Speaker, I deplore this rule, urge my colleagues to oppose this underhanded abuse of the procedures of this House, and urge the Rules Committee to report a clean rule for the consideration of this vitally important legislation. Our soldiers, sailors, airmen, and Marines deserve better.

Mr. LEVIN. Mr. Speaker, well, here they go again. The Republican Leadership in the House is once again attempting to sneak through a back-door increase in the federal debt limit. Hidden within the resolution before the House is a provision that would allow the debt limit to rise without even requiring Members to have an up-or-down vote on it. This is the same procedural sleight-of-hand the Majority attempted last month in the budget resolution.

Actions have consequences. What it is it about the consequences of their economic policy that members of the Majority Party are afraid to confront? When the Bush Administration took office, the federal government was looking at a projected ten-year budget surplus of $5.6 trillion. In less than four years, the Majority's economic policies have turned that record surplus into a projected deficit of nearly $2.9 trillion. That's a fiscal reversal of over eight trillion dollars.

Instead of gradually paying down the public debt as we were during the Clinton Administration, the policies of the current Administration have resulted in record budget deficits that require Congress to once again raise the limit on the nation's credit card and pass even more red ink along to our children.

To all my colleague who voted to adopt these unsustainable budget-busting policies over the last four years, I would ask why you are so reluctant to face up to the consequences of your actions. You should at least have the courage to hold a separate up-or-down vote to raise the ceiling on the debt you helped create. Instead, you try to sneak the debt increase into the defense budget without a vote. The defense bill should be about protecting our troops on the battlefield, not protecting politicians from the consequences of their votes. This is the height of fiscal irresponsibility and I urge my colleagues to vote down this rule.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 683—DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FY05

In the resolution strike the following:

"The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole."

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 683 will be followed by 5-minute votes as ordered on adopting H. Res. 683, and on the first two motions to suspend the rules postponed earlier today.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 279]

YEAS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton

Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Dreier
Gephardt
Hastings (FL)
Jones (OH)
McInnis
Miller, George
Mollohan
Rangel
Reyes
Schrock
Tauzin

□ 1431

Messrs. LARSON of Connecticut, ORTIZ and DOOLEY of California changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 197, not voting 15, as follows:

[Roll No. 280]

AYES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Gephardt
Green (TX)
Hastings (FL)
McInnis
Mollohan
Rangel
Reyes
Schrock
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Two minutes remain in this vote.

□ 1439

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACCOMPLISHMENTS OF RAY CHARLES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 449.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 449, 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 419, nays 0, not voting 14, as follows:

[Roll No. 281]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Ford
Gephardt
Hastings (FL)
McInnis
Mollohan
Reyes
Schrock
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF BLUES MUSIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 13, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 13, 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 410, nays 0, not voting 23, as follows:

[Roll No. 282]

YEAS—410

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

NOT VOTING—23

Akin	DeMint	Mollohan
Bereuter	Deutsch	Oxley
Berman	Gephardt	Pickering
Blunt	Gingrey	Reyes
Carson (IN)	Hastings (FL)	Schrock
Collins	Hinojosa	Tauzin
Crane	Hunter	Turner (TX)
DeLay	McInnis	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 279, Previous Question on the Rule; rollcall vote 280, Adoption of the Rule for Defense Appropriations (H. Res. 683); rollcall vote 281, Honoring Ray Charles (H. Con. Res. 449); and rollcall vote 282, Recognizing Blues Music (H. Con. Res. 13).

Had I been present, I would have voted "yea" for rollcall votes 279, 280, 281, and 282.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 685, REVISING THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005 AS IT APPLIES IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House House Resolution 685; that the resolution be considered as read for amendment; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except 90 minutes of debate on the resolution equally divided and controlled by the majority leader and minority leader, or their designees.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, and I will not object, but I simply wanted to make this reservation in order to express my agreement with the motion that is being offered by the gentleman, to say that what this means is that for the first time in 4 years, the minority would have an opportunity to state its first preferences with respect to budget priorities, and having been given that consideration, that should facilitate the handling of the remaining appropriation bills.

We are in the minority. We recognize that. We expect that the majority is going to win these votes. But we feel that we at least have a right to have our first preferences voted upon in a nonprocedural way. And when that happens, it is much easier to facilitate an orderly consideration of the appropriation bills, even though we may differ on the substance.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding. I would like to say, Mr. Speaker, that this procedure is fair. We will have differences when we come to a vote on the procedure and on the resolution, but it is a fair procedure; and I believe that it will, in a constructive way, expedite the business of the House, especially as it relates to budgetary and appropriations issues.

Mr. OBEY. Mr. Speaker, continuing under my reservation, it is my understanding that in accordance with this unanimous consent agreement, that this resolution is expected to be on the floor Thursday, and I think that will greatly facilitate the consideration of other matters.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 4613, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 683 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4613.

□ 1455

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the 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, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

It is my privilege today to present to the House the appropriations for National Defense for Fiscal Year 2005. This bill includes a total amount for the Defense Department of $416.1 billion. Within that dollar amount, which is an enormous amount, there also is included approximately $25 billion that is a part of a bridge fund amendment providing funds for operations in Iraq. This recognizes that the Congress may be in recess for an extended period of time, perhaps even adjourn for the year for a period of time, before we have another supplemental coming forward. That additional funding is to make certain that we do not have any of the funds that are very important in terms of meeting our world challenges today run short or run dry.

Indeed, this bill is a package that is designed to meet the country's need in this ever-shrinking and ever-complex world. It is a very, very important bill, that first and foremost is designed to support our troops wherever they may be deployed around the world. Most significantly, in doing that, we are providing the funding that is necessary to carry forward the current effort in Iraq and around Afghanistan as well.

I would like to outline just briefly what the bill does. It supports those operations in Iraq, as I have suggested; but it also supports our troops by making certain that funding is there for their housing, for their training needs, their clothing needs, et cetera. But above and beyond that, it provides for full funding for the 3.5 percent pay increase that is a part of the President's budget.

The bill further increases additional funding for readiness for our troops, providing for the training as well as the equipment of their efforts worldwide.

The bill provides a very significant level of funding for our intelligence efforts, including an increase beyond the President's original budget. Further than that, within the supplemental package that is here, there is a very significant addition to our Intelligence funding. The bill provides for funding for a number of very important assets across the board, including funding for the Virginia-class submarine, for example, funding for the Joint Strike Fighter, the F–22 fighter, et cetera.

This bill also includes language that is designed to improve or increase the reporting requirements that we provide

for the Department of Defense and the various branches to make sure that the Congress is getting the kind of oversight that allows us all the assurance we need that the funding that has been appropriated by the Congress is being spent along those guidelines that the Congress has extended.

At this point, Mr. Chairman, I would like to provide for the RECORD a summary of the funding provided in this bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	28,247,667	29,723,472	29,507,672	+1,260,005	-215,800
Military Personnel, Navy	23,217,298	24,459,957	24,416,157	+1,198,859	-43,800
Military Personnel, Marine Corps	8,971,897	9,595,902	9,591,102	+619,205	-4,800
Military Personnel, Air Force	22,910,868	24,510,811	24,291,411	+1,380,543	-219,400
Reserve Personnel, Army	3,568,725	3,733,590	3,719,990	+151,265	-13,600
Reserve Personnel, Navy	2,002,727	2,171,632	2,108,232	+105,505	-63,400
Reserve Personnel, Marine Corps	571,444	654,973	653,073	+81,629	-1,900
Reserve Personnel, Air Force	1,288,088	1,464,050	1,451,950	+163,862	-12,100
National Guard Personnel, Army	5,500,369	5,950,729	5,915,229	+414,860	-35,500
National Guard Personnel, Air Force	2,174,598	2,546,442	2,536,742	+362,144	-9,700
Total, title I, Military Personnel	98,453,681	104,811,558	104,191,558	+5,737,877	-620,000
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army 2/	25,029,346	26,133,411	25,820,311	+790,965	-313,100
Operation and Maintenance, Navy	28,146,658	29,789,190	29,570,090	+1,423,432	-219,100
Operation and Maintenance, Marine Corps	3,440,323	3,632,115	3,605,815	+165,492	-26,300
Operation and Maintenance, Air Force	26,904,731	28,471,260	27,994,110	+1,089,379	-477,150
Operation and Maintenance, Defense-Wide	16,226,841	17,494,076	17,346,411	+1,119,570	-147,665
Operation and Maintenance, Army Reserve	1,998,609	2,008,128	1,976,128	-22,481	-32,000
Operation and Maintenance, Navy Reserve	1,172,921	1,240,038	1,233,038	+60,117	-7,000
Operation and Maintenance, Marine Corps Reserve	173,952	188,696	187,196	+13,244	-1,500
Operation and Maintenance, Air Force Reserve	2,179,388	2,239,790	2,227,190	+47,802	-12,600
Operation and Maintenance, Army National Guard 2/	4,340,581	4,440,686	4,376,886	+36,305	-63,800
Operation and Maintenance, Air National Guard	4,431,216	4,422,838	4,438,738	+7,522	+15,900
Overseas Contingency Operations Transfer Account	5,000	30,000	5,000	---	-25,000
United States Court of Appeals for the Armed Forces	10,333	10,825	10,825	+492	---
Environmental Restoration, Army	396,018	400,948	400,948	+4,930	---
Environmental Restoration, Navy	256,153	266,820	266,820	+10,667	---
Environmental Restoration, Air Force	384,307	397,368	397,368	+13,061	---
Environmental Restoration, Defense-Wide	24,081	23,684	26,684	+2,603	+3,000
Environmental Restoration, Formerly Used Defense Sites	284,619	216,516	216,516	-68,103	---
Overseas Humanitarian, Disaster, and Civic Aid	59,000	59,000	59,000	---	---
Former Soviet Union Threat Reduction Account	450,800	409,200	409,200	-41,600	---
Total, title II, Operation and maintenance	115,914,877	121,874,589	120,568,274	+4,653,397	-1,306,315
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army 2/	2,154,035	2,658,241	3,107,941	+953,906	+449,700
Missile Procurement, Army 2/	1,505,462	1,398,321	1,327,000	-178,462	-71,321
Procurement of Weapons and Tracked Combat Vehicles, Army	1,857,054	1,639,695	2,773,695	+916,641	+1,134,000
Procurement of Ammunition, Army 2/	1,387,759	1,556,902	1,608,302	+220,543	+51,400
Other Procurement, Army 2/	4,774,452	4,240,896	4,868,371	+93,919	+627,475
Aircraft Procurement, Navy	9,110,848	8,767,867	8,841,824	-269,024	+73,957
Weapons Procurement, Navy	2,095,784	2,101,529	1,993,754	-102,030	-107,775
Procurement of Ammunition, Navy and Marine Corps	934,905	858,640	885,340	-49,565	+26,700
Shipbuilding and Conversion, Navy	11,467,623	9,962,027	10,189,327	-1,278,296	+227,300
Other Procurement, Navy	4,941,098	4,834,278	4,980,325	+39,227	+146,047
Procurement, Marine Corps	1,165,727	1,190,103	1,462,703	+296,976	+272,600
Aircraft Procurement, Air Force	12,086,201	13,163,174	13,289,984	+1,203,783	+126,810
Missile Procurement, Air Force	4,165,633	4,718,313	4,425,013	+259,380	-293,300
Procurement of Ammunition, Air Force	1,262,725	1,396,457	1,346,557	+83,832	-49,900
Other Procurement, Air Force	11,558,799	13,283,557	13,199,607	+1,640,808	-83,950
Procurement, Defense-Wide	3,709,926	2,883,302	3,028,033	-681,893	+144,731
National Guard and Reserve Equipment	400,000	---	---	-400,000	---
Defense Production Act Purchases	78,016	9,015	27,015	-51,001	+18,000
Total, title III, Procurement	74,656,047	74,662,317	77,354,791	+2,698,744	+2,692,474

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army 2/...	10,363,941	9,266,258	10,220,123	-143,818	+953,865
Research, Development, Test and Evaluation, Navy.....	15,146,383	16,346,391	16,532,361	+1,385,978	+185,970
Research, Development, Test and Evaluation, Air Force.	20,500,984	21,114,667	21,033,622	+532,638	-81,045
Research, Development, Test and Evaluation, Defense-Wide	18,900,715	20,739,837	20,851,271	+1,950,556	+111,434
Operational Test and Evaluation, Defense.....	305,861	305,135	309,135	+3,274	+4,000
Total, title IV, Research, Development, Test and Evaluation.....	65,217,884	67,772,288	68,946,512	+3,728,628	+1,174,224
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds.....	1,641,507	1,685,886	1,174,210	-467,297	-511,676
National Defense Sealift Fund: Ready Reserve Force	1,066,462	1,269,252	1,186,626	+120,164	-82,626
Total, title V, Revolving and Management Funds..	2,707,969	2,955,138	2,360,836	-347,133	-594,302
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance.....	14,914,816	17,203,369	17,148,069	+2,233,253	-55,300
Procurement.....	328,826	364,635	364,635	+35,809	---
Research and development.....	486,371	72,407	446,482	-39,889	+374,075
Total, Defense Health Program.....	15,730,013	17,640,411	17,959,186	+2,229,173	+318,775
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance.....	1,169,168	1,138,801	1,138,801	-30,367	---
Procurement.....	79,212	78,980	78,980	-232	---
Research, development, test and evaluation.....	251,881	154,209	154,209	-97,672	---
Total, Chemical Agents 1/	1,500,261	1,371,990	1,371,990	-128,271	---
Drug Interdiction and Counter-Drug Activities, Defense	835,616	852,697	876,697	+41,081	+24,000
Office of the Inspector General 3/.....	162,449	244,562	193,562	+31,113	-51,000
Total, title VI, Other Department of Defense Programs.....	18,228,339	20,109,660	20,401,435	+2,173,096	+291,775

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	226,400	239,400	239,400	+13,000	---
Intelligence Community Management Account	175,113	304,355	309,644	+134,531	+5,289
Transfer to Department of Justice	(44,300)	(34,911)	(46,100)	(+1,800)	(+11,189)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	18,430	---	---	-18,430	---
National Security Education Trust Fund	8,000	8,000	8,000	---	---
Total, title VII, Related agencies	427,943	551,755	557,044	+129,101	+5,289
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,100,000)	(4,000,000)	(3,000,000)	(+900,000)	(-1,000,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8028)	-74,200	---	-40,000	+34,200	-40,000
Disposal & lease of DOD real property (Sec. 8034)	31,000	25,000	25,000	-6,000	---
Overseas Mil Fac Invest Recovery (Sec. 8037)	1,331	1,000	1,000	-331	---
Rescissions (Sec. 8048)	-325,560	---	-399,750	-74,190	-399,750
Travel Cards (Sec. 8079)	44,000	44,000	44,000	---	---
Special needs students	5,500	---	---	-5,500	---
Fisher House (Sec. 8088)	3,800	---	2,000	-1,800	+2,000
CAAS/Contract Growth (Sec. 8089)	-504,500	---	-300,000	+204,500	-300,000
Coast Guard transfer	60,000	---	---	-60,000	---
IT cost growth reduction (Sec. 8096)	-200,000	---	-270,000	-70,000	-270,000
Working Capital Funds Cash Balance (Sec.8098)	-372,000	---	-316,000	+56,000	-316,000
Working Capital Funds Excess Carryover	-44,000	---	---	+44,000	---
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8099)	5,500	---	6,000	+500	+6,000
Intrepid Sea-Air-Space Foundation (Sec. 8101)	34,950	---	6,600	-28,350	+6,600
Revised Economic Assumptions (Sec. 8109)	-1,662,000	---	-345,000	+1,317,000	-345,000
Transportation Working Capital Fund (Sec. 8110)	-451,000	---	-967,200	-516,200	-967,200
Fort Irwin education	17,000	---	---	-17,000	---
Iraqi freedom fund (rescission)	-3,490,000	---	---	+3,490,000	---
MCAGCC health demonstration program (Sec. 8115)	---	---	3,000	+3,000	+3,000
Contract offsets (Sec. 8119)	---	---	-100,000	-100,000	-100,000
Budget withholds (Sec. 8120)	---	---	-685,000	-685,000	-685,000
Tanker replacement transfer fund (Sec. 8121)	---	---	100,000	+100,000	+100,000
Total, title VIII, General Provisions	-6,912,179	70,000	-3,227,350	+3,684,829	-3,297,350
TITLE IX - ADDITIONAL APPROPRIATIONS					
CHAPTER 1 - DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingent operations)	---	---	2,552,200	+2,552,200	+2,552,200
Military Personnel, Navy (contingent operations)	---	---	232,200	+232,200	+232,200
Military Personnel, Marine Corps (contingent ops)	---	---	273,200	+273,200	+273,200
Military Personnel, Air Force (contingent operations)	---	---	874,400	+874,400	+874,400
Total, Military Personnel	---	---	3,932,000	+3,932,000	+3,932,000
Operation and Maintenance					
Operation & Maintenance, Army (contingent operations)	---	---	11,698,400	+11,698,400	+11,698,400
Operation & Maintenance, Navy (contingent operations)	---	---	303,000	+303,000	+303,000
Operation & Maintenance, Marine Corps (contingent ops)	---	---	1,295,000	+1,295,000	+1,295,000
Operation & Maintenance, Air Force (contingent ops)	---	---	744,000	+744,000	+744,000
Operation & Maintenance, Defense-Wide (contingent ops)	---	---	295,000	+295,000	+295,000
Iraq Freedom Fund:					
(Contingent emergency) (incl. transfer authority)	---	25,000,000	---	---	-25,000,000
(Contingent operations)	---	---	2,978,000	+2,978,000	+2,978,000
Total, Operation and Maintenance	---	25,000,000	17,313,400	+17,313,400	-7,686,600

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement					
Missile Procurement, Army (contingent operations).....	---	---	42,800	+42,800	+42,800
Procurement of Weapons and Tracked Combat Vehicles, Army (contingent operations).....	---	---	201,900	+201,900	+201,900
Procurement of Ammunition, Army (contingent operations	---	---	330,000	+330,000	+330,000
Other Procurement, Army (contingent operations).....	---	---	1,151,400	+1,151,400	+1,151,400
Aircraft Procurement, Navy (contingent operations)....	---	---	34,000	+34,000	+34,000
Procurement of Ammunition, Navy and Marine Corps (contingent operations).....	---	---	112,800	+112,800	+112,800
Procurement, Marine Corps (contingent operations).....	---	---	111,400	+111,400	+111,400
Other Procurement, Air Force (contingent operations)..	---	---	35,300	+35,300	+35,300
Procurement, Defense-Wide (contingent operations).....	---	---	80,000	+80,000	+80,000
National Guard and Reserve Equipment (contingent opera	---	---	100,000	+100,000	+100,000
Total, Procurement.....	---	---	2,199,600	+2,199,600	+2,199,600
Defense Working Capital Funds (contingent operations).	---	---	1,250,000	+1,250,000	+1,250,000
Defense Health Program (contingent operations).....	---	---	305,000	+305,000	+305,000
Additional transfer authority (contingent operations):					
Fiscal year 2005 (Sec. 9003(a)).....	---	---	(2,000,000)	(+2,000,000)	(+2,000,000)
Fiscal year 2004 (Sec. 9003(b)).....	---	---	(900,000)	(+900,000)	(+900,000)
Total, Chapter 1, Department of Defense 4/ 5/...	---	25,000,000	25,000,000	+25,000,000	---
CHAPTER 2 - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs (contingent ops).....	---	---	665,300	+665,300	+665,300
Embassy security, construction, and maintenance (contingent operations).....	---	---	20,000	+20,000	+20,000
Total, Chapter 2, Department of State 5/.....	---	---	685,300	+685,300	+685,300
CHAPTER 3 - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
International disaster and famine assistance (emergency).....	---	---	70,000	+70,000	+70,000
Department of State					
Migration and refugee assistance (emergency).....	---	---	25,000	+25,000	+25,000
Total, Chapter 3, Bilateral economic assist. 5/.	---	---	95,000	+95,000	+95,000
Total, Title IX, Additional appropriations 4/ 5/	---	25,000,000	25,780,300	+25,780,300	+780,300
Total for the bill (net) 5/.....	368,694,561	417,807,305	416,933,400	+48,238,839	-873,905
OTHER APPROPRIATIONS					
Emergency Supplemental, Defense, Iraq and Afghanistan, 2004 (P.L. 108-106).....	64,706,554	---	---	-64,706,554	---
Additional transfer authority (sec. 1101) (emerg).	(3,000,000)	---	---	(-3,000,000)	---
Consolidated appropriations (by transfer)(P.L.108-199)	(74,600)	---	---	(-74,600)	---
Additional transfer authority (Sec. 114).....	(120,000)	---	---	(-120,000)	---
Rescissions.....	-1,800,000	---	---	+1,800,000	---
Net grand total (including other appropriations)5/	431,601,115	417,807,305	416,933,400	-14,667,715	-873,905

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Disabled military retiree payments (mandatory)	302,000	---	---	-302,000	---
Military personnel accounts (discretionary)	-302,000	---	---	+302,000	---
Army Venture Capital Funds (Sec. 8105)	17,000	17,000	17,000	---	---
O&M, Army transfer to National Park Service:					
Defense function	-2,500	---	-2,500	---	-2,500
Non-defense function	2,500	---	2,500	---	+2,500
Less defense emergency appropriations	-64,706,554	---	---	+64,706,554	---
Less non-defense emergency appropriations	---	---	-95,000	-95,000	-95,000
Less Title IX defense contingent operations	---	-25,000,000	-25,000,000	-25,000,000	---
Less Title IX non-defense contingent operations	---	---	-685,300	-685,300	-685,300
Repeal of FY 2004 rescission (contingent ops)	---	---	1,800,000	+1,800,000	+1,800,000
Amount charged to fiscal year 2004	---	---	-1,800,000	-1,800,000	-1,800,000
Total, scorekeeping adjustments	-64,689,554	-24,983,000	-25,763,300	+38,926,254	-780,300
Adjusted total (incl scorekeeping adjustments)	366,911,561	392,824,305	391,170,100	+24,258,539	-1,654,205
Appropriations	(372,527,121)	(392,824,305)	(391,569,850)	(+19,042,729)	(-1,254,455)
Rescissions	(-5,615,560)	---	(-399,750)	(+5,215,810)	(-399,750)
Total (including scorekeeping adjustments)	366,911,561	392,824,305	391,170,100	+24,258,539	-1,654,205
Amount in this bill	(431,601,115)	(417,807,305)	(416,933,400)	(-14,667,715)	(-873,905)
Scorekeeping adjustments	(-64,689,554)	(-24,983,000)	(-25,763,300)	(+38,926,254)	(-780,300)
Total mandatory and discretionary	366,911,561	392,824,305	391,170,100	+24,258,539	-1,654,205
Mandatory	528,400	239,400	239,400	-289,000	---
Discretionary	366,383,161	392,584,905	390,930,700	+24,547,539	-1,654,205
RECAPITULATION					
Title I - Military Personnel	98,453,681	104,811,558	104,191,558	+5,737,877	-620,000
Title II - Operation and Maintenance	115,914,877	121,874,589	120,568,274	+4,653,397	-1,306,315
Title III - Procurement	74,656,047	74,662,317	77,354,791	+2,698,744	+2,692,474
Title IV - Research, Development, Test and Evaluation	65,217,884	67,772,288	68,946,512	+3,728,628	+1,174,224
Title V - Revolving and Management Funds	2,707,969	2,955,138	2,360,836	-347,133	-594,302
Title VI - Other Department of Defense Programs	18,228,339	20,109,660	20,401,435	+2,173,096	+291,775
Title VII - Related Agencies	427,943	551,755	557,044	+129,101	+5,289
Title VIII - General Provisions (net)	-6,912,179	70,000	-3,227,350	+3,684,829	-3,297,350
Title IX - Additional Appropriations (net)	---	25,000,000	25,780,300	+25,780,300	+780,300
Total, Department of Defense and other appropriations (in this bill)	368,694,561	417,807,305	416,933,400	+48,238,839	-873,905
Other defense appropriations	62,906,554	---	---	-62,906,554	---
Total funding available (net)	431,601,115	417,807,305	416,933,400	-14,667,715	-873,905
Department of Defense	(431,541,115)	(417,807,305)	(416,153,100)	(-15,388,015)	(-1,654,205)
Other Appropriations	(60,000)	---	(780,300)	(+720,300)	(+780,300)
Scorekeeping adjustments	-64,689,554	-24,983,000	-25,763,300	+38,926,254	-780,300

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Includes Budget Amendment (H. Doc. 108-170) which realigns $1,217,538,000 for the termination of the Comanche Helicopter program, of which $30,000,000 was reallocated to Mil. Construction, Army National Guard.
3/ Includes Budget Amendment (H. Doc. 108-183) which adds $10,000 to the Office of the Inspector General request for a technical correction.
4/ Includes Budget Amendment (H. Doc. 108-185) which establishes a $25 billion Contingent Emergency Reserve Fund for operations in Iraq and Afghanistan.
5/ If the Bill is enacted before October 1, 2004, $27,580,300,000 (including repeal of $1,800,000,000 rescission) will be considered FY 2004 budget authority.

□ 1500

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Under the rules of the majority party in the House, the gentleman from California (Chairman LEWIS) is term limited in his subcommittee chairmanship. And, in fact, this is the last time that he will present this defense appropriations bill to the House.

In the 6 years that he has chaired this subcommittee, and I think he would agree with me that it is probably the best job in the whole Congress, he has done an outstanding job. His leadership has been evident at every step and opportunity.

His partnership with the gentleman from Pennsylvania (Mr. MURTHA) has served this Nation well; has served our security well, and has served well the men and women who serve in the uniform of our armed services well.

So I wanted to take this time to pay tribute to and compliment the gentleman from California (Chairman LEWIS) the outstanding job that he has done. He and his partner, the gentleman from Pennsylvania (Mr. MURTHA), have presented another outstanding defense bill that meets the requirements to the best of our ability during a time of war, a war in Afghanistan, a war in Iraq, and a war against terrorism, wherever it may raise its ugly head.

And other than being able to bring a conference report back to us shortly we hope, this is my colleague's last bill as chairman of this subcommittee. Again, I just want to compliment him and pay tribute to the outstanding job that he has done.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I cannot tell my colleague how much I appreciate his remarks and his great support throughout the development of this bill. And to say the least, to suggest that he is a partner in this subcommittee's work would be understating it, for he not only has been chairman of this subcommittee but as full committee chairman, he has been absolutely fantastic.

I would further say the same about my colleague the gentleman from Pennsylvania (Mr. MURTHA). This partnership has produced very positive results over the years and, indeed, it has been my great privilege and honor to work with the gentleman from Pennsylvania (Mr. MURTHA).

Mr. Chairman, I yield 30 seconds to my colleague from California (Mr. CUNNINGHAM), who would probably like to do the same.

Mr. CUNNINGHAM. Mr. Chairman, being his last time at bat on this particular committee, I want the American public to know how my two colleagues have worked together, not just in his tenure but even when the gentleman from Florida (Mr. YOUNG) was there as well.

I would not say this about too many people on the other side of the aisle, but it does not matter who is in the majority if the gentleman from Pennsylvania (Mr. MURTHA) was the chairman of it. I do not necessarily want that, but he has been a friend. And people say, well, you have friendships but you disagree. We have a friendship and we do not disagree on that many issues. I am very proud to know him.

I want the public to know what he has done has saved the military. Just as an example, the F–22 of putting people on notice of the fraud, the waste, and abuse, DOD has fraud, waste, and abuse like anything else. But between the two of them, they have really worked to make sure we get the best bang for the dollar.

Mr. MURTHA. Mr. Chairman, I just want to say we did the best we could do with the amount of money we have available.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume for purposes of having a colloquy with the gentleman from Idaho (Mr. SIMPSON).

Mr. Chairman, as chairman of the Committee on Appropriations Subcommittee on Defense, I have the privilege of working closely with the Department of Defense. I see in here firsthand the skill, commitment, and bravery of our men and women serving in Iraq and elsewhere in the world.

We all know of the enormous contributions of our allies as well. And I must say the contribution of the United Kingdom is hard to overstate, but we have had great assistance from other allies, for example, Italy has 2,800 personnel working in Iraq and has donated some $210 million to the process that is here. We have had help from countries like Portugal, New Zealand, the Netherlands, Poland, and Kuwait.

So across the board, I must say that we have been helped greatly by allies who were willing to step up and pay a piece of the price of this very important venture.

I particularly wanted to mention the role played by our friends, the Japanese. For over the years, the Japanese have been very hesitant in the military front since World War II. But in this circumstance, they have really been a great ally. There are presently 1,000 Japanese troops known as the Self-Defense Forces, including some 600 ground troops in Iraq today. They have consistently indicated a willingness to support us in our effort there. I cannot compliment them enough.

Mr. SIMPSON. Mr. Chairman, would the gentleman yield?

Mr. LEWIS. I would be happy to yield to my colleague who has similar feelings and wants to have some discussion about this.

Mr. SIMPSON. Mr. Chairman, first let me thank the chairman for his support as he completes his term as chairman of the Committee on Appropriations Subcommittee on Defense. I add my congratulations to those that have already been stated for the great job that he has done for America and for our military.

I appreciate the Chairman's raising the important issue of Japan's contributions in Iraq and join with him in acknowledging their historic role. As he mentioned, this operation is unprecedented and has been severely tested during the recent hostage crisis. However, Tokyo's commitment has not changed. In fact, Japan has just dispatched the 2nd Contingent of its Ground Self-Defense Forces to Iraq.

I also understand the Japanese forces have recently commenced airlift operations between Iraq and Kuwait. Other humanitarian and infrastructure projects include food and medicine and construction or repair of seaports, power plants, hospitals, and schools.

In fact, on May 26, Japan played a leading role as the chair of the second meeting of the Donor's Committee of the International Reconstruction Fund Facility for Iraq at Doha.

Prime Minister Koizumi has been a key ally on the war on terrorism. On June 8, Prime Minister Koizumi and President Bush had a bilateral meeting on the occasion of the Sea Island G–8 Summit meeting. During the meeting, the Prime Minister announced Japan's full support for the U.S. policy on Iraq through the continued dispatch of Self-Defense Forces as well as financial assistance through the government's official development assistance.

We highly value the contribution of Japan and other allies. I hope that all Members will read the Fact Sheet from Japan's assistance that I will insert into the RECORD at this point.

JAPAN'S ASSISTANCE FOR IRAQ

The attached Fact Sheet outlines Japan's very significant, and continuing, efforts in providing critical assistance to Iraq. Following are some of the highlights of the fact sheet:

The total number of Japanese Self-Defense Forces (SDF) participating in the reconstruction of Iraq is approximately 1,000, including nearly 600 ground troops. Several naval vessels and aircraft are also present. This is an historic operation, the first of its kind for SDF since World War II.

Japan has decided to fund both bilateral and multilateral projects as part of the implementation of the $1.5 billion grant out of the $5 billion Japan pledged in Madrid last fall. Such humanitarian and infrastructure projects include food and medical assistance, employment, and construction or repair of key seaports, power plants, hospitals, schools and other facilities.

Japan's Self-Defense Forces have commenced airlift operations between Iraq and Kuwait, and are now providing humanitarian assistance in Samawah, Iraq.

Japan's commitment was severely tested during the recent hostage crisis. Fortunately, that crisis was resolved favorably. Here is what Prime Minister Junichiro Koizumi said on April 22 on the subject:

''This hostage taking has not undermined Japan's firm resolve to engage in humanitarian and reconstruction assistance in Iraq.

It is precisely because the situation in Iraq makes the activities of ordinary individuals impossible that the Self-Defense Forces (SDF) have been dispatched to engage in humanitarian and reconstruction assistance in Iraq.''

On April 15, the Embassy of Japan in Baghdad reported that the three Japanese were released in Baghdad and were under secure custody of Embassy officials. The Embassy of Japan would like to extend its sincere gratitude for the efforts of those concerned in Iraq and for the support from all over the world. Foreign Minister Kawaguchi's statement can be found on the following website: http://www.mofa.go.jp/announce/announce/2004/4/0415.html

JAPAN'S ASSISTANCE FOR IRAQ (FACT SHEET)

(Note: All number are approximate.)

1. Humanitarian and Reconstruction Assistance to Iraq (total: $846.35 million).

(A) Assistance in cooperation with international organizations ($91.4 million).

(1) Humanitarian Assistance for Iraq ($29.5 million) (2003 March 20 and April 9).

(a) World Food Programme (WFP): food supply.

(b) United Nations Children's Fund (UNICEF): child protection, education, water/sanitation.

(c) International Committee of the Red Cross (ICRC): medical assistance, provision of food and life supplies, restoration of water supply facility.

(d) United Nations High Commissioner for Refugees (UNHCR): assistance for refugees.

(2) Protection and Preservation of Cultural Heritage, Education ($2 million) (2003 April 23).

(a) Restoration and preservation of cultural heritages ($1 million, in cooperation with UNESCO).

(b) Education ($1 million, in cooperation with UNESCO).

(3) Umm Qasr Port Project ($2.5 million) (2003 April 25).

Activities: carry out an emergency dredging of Umm Qasr Port (In cooperation with UNDP).

Impact: realize effective port operations and smooth delivery of humanitarian assistance.

(4) Humanitarian and Reconstruction Assistance in Iraq ($57.4 million) (2003 May 16, 21, July 4, Oct 17; 2004 Jan 16, Jan 26).

(a) Iraq Reconstruction and Employment Program ($6 million, in cooperation with UNDP).

Activities: employ Iraqis in Baghdad to perform functions such as debris removal, garbage collection and rehabilitation of buildings.

Impact: creation of 35,000 jobs, improvement of the sanitary conditions in Baghdad.

(b) Project for Reactivation of Primary Education in Iraq ($10 million, in cooperation with UNICEF).

Activities: rehabilitate schools and provide school supplies in Baghdad, Mosul, Najaf and the surrounding areas.

Impact: 1 million children in 3 cities and their suburbs will benefit.

(c) Rehabilitation of the National Dispatch Centre ($5.55 million, in cooperation with UNDP).

Activities: rehabilitate the National Dispatch Centre and provide it with necessary equipment and materials.

Impact: improve provision of electricity to the institutions such as hospitals which are essential for humanitarian needs by proper control on the power distribution.

(d) Project for Emergency Rehabilitation of Al-Kadhimiya Teaching Hospital ($3.64 million, in cooperation with UNDP).

Activities: rehabilitate the Al-Kadhimiya Teaching Hospital and provide materials and equipment.

Impact: improve the hospital's medical services and the lives and hygienic conditions of the people.

(e) Project for the Emergency Rehabilitation of the Hartha Power Station ($8 million, in cooperation with UNDP).

Activities: rehabilitate the Hartha Power Station and transmission in Basra region.

Impact: increase electricity supply and improve the life and hygiene of the civilians in Basra region.

(f) School rehabilitation Project ($6.1 million, in cooperation with UN–HABITAT).

Activities: rehabilitate 271 schools in Basra, Samawa, Nashiria and Amarra.

Impact: resume lessons and create job opportunities.

(g) Community Rehabilitation Project ($2.7 million, in cooperation with UN–HABITAT).

Activities: rehabilitate a total of 3,000 damaged houses and/or community facilities in Baghdad, Samawa and Kirkuk. Beneficiaries will be selected from vulnerable groups particularly from households headed by women.

Impact: improve community neighborhood through rehabilitation of infrastructure and create job opportunities.

(h) Iraq Reconstruction and Employment Program ($15.4 million, in cooperation with UNDP).

Activities: hire local Iraqi people for restoration of water/sewage systems, garbage collection, clean-up activities etc.

Impact: hire local Iraqi people etc.

(B) Direct Assistance to Iraq ($227 million).

(a) Provision of 1150 Police vehicles to be deployed in 27 cities. 40 vehicles will be deployed to Samawa. ($29 million) (04 Jan 16).

(b) Provision of 27 mobile substations throughout Iraq ($72 million) (04 Mar 26).

(c) Rehabilitation and provision of equipment to 4 hospitals (Nasiriyah, Najaf, Diwaniyah and Samawah) $51 million) (04 Mar 26).

(d) Provision of 30 compact water treatment units to the city of Baghdad ($55 million) (04 Mar 26).

(e) Provision of 70 firetrucks to Baghdad, Al Basra and Muthanna ($20 million) (04 March 26).

(C) Assistance through funds ($500 million).

(a) International Reconstruction Fund Facility For Iraq ($490 million).

$360 million to the Fund administered by the UN.

$90 million to the Fund administered by the WB.

Additional $40 million will be also available to the Fund administered by the WB after the approval of FY2004 budget.

(b) IFC small business finance facility ($10 million).

(D) Assistance in cooperation with NGOs ($27.9 million).

(1) Assistance for the emergency medical activities of NGOs ($3.3 mil) (2003 March 20).

(a) Japan Platform Joint Team operating in Jordan.

(b) Peace Winds Japan operating in Northern Iraq.

(2) Assistance to the following NGO activities ($21 million) (2003 May 16, 21, Dec 11, 2004 Feb 8, Feb 20 and March 4).

(a) Medical projects and distribution of emergency supplies in Iraq carried out by Japan Platform (Japanese NGOs, 2003 May 21).

(b) Project distributing medical supplies including antibiotics in Iraq run by Hashemite Charity Organization (Jordanian NGO, 2003 May 16).

(c) Project distributing medical equipment such as Infant Intravenous Kits run by CARE International (International NGO, 2003 May 16).

(d) Emergency Rehabilitation of public facilities by Japan Platform (Japanese NGOs, 2003 Dec 11).

(e) Cultural Grassroots Projects to the Iraq Football Association (Iraqi NGO, 2004 Feb 8).

(f) Emergency Aid of Medical Equipment to Samawa Maternity & Children Hospital (Japanese NGO, 2004 Feb 20).

(g) Emergency aid for Iraq to the NGO unit of Japan Platform (Japanese NGOs).

(3) Humanitarian and Recovery Assistance ($3.6 million) (Grassroots Assistance).

(a) The Project for Humanitarian Operation in the Umm Qasr Community $90,000.

(b) The Project for the Equipment Supply for Rashid RF Community Council $73,000.

(c) The Project for Improvement of Schools in the Rashid District $206,000.

(d) The Project for Improving Hibatoallah Institute for Down Syndrome $42,000.

(e) The Project for Reconstruction of Mustakbal Secondary School in Mosul City $375,000.

(f) The Project for Construction of Wastewater Treatment Plants in Mosul City $460,000.

(g) The Project for Rehabilitation of Water Treatment Plants in Nineveh Governorate $230,000.

(h) The Project for Improvement of Medical Transportation in Nineveh Governorate $620,000.

(i) The Project of supplying Water Tankers to the Governorate of Al-Muthanna $800,000 (for 12 water tanks).

(j) The project for Provision of Emergency Medical Supplies to Al Samawaha General Hospital $770,000.

(E) Others.

(a) Assistance for supplying TV program ''Oshin'' by Japan Foundation (the broadcast started from 2003 Oct 27).

(b) With regard to the friendly football match between the Japanese national team and the Iraqi national team hosted by the Japan Football Association, GOJ provides approximately ¥10 million as the travel expenses of the Iraqi team through the Japan Foundation.

(c) Provision of Judo equipment to the Iraq Judo Foundation and its transportation ($50,000).

(d) Provision of football equipment to the youth and sports department in the governorate of Muthanna ($41,000).

((e) Dispatch of research missions for grant aid projects formulation to Jordan and other surrounding countries (from Jan 2004).

(f) Provision of 240 tents to the Governorate of Al-Muthanna to counter the flooding of the Euphrates River in Al Muthanna.

2. Consolidating broad based solidarity among the International Community.

(a) GOJ believes that an international conference for assisting Iraq should be organized with broad participation of countries and international organizations. To this end, GOJ has urged relevant international organizations such as the UN and others, to take an active role in organizing such a conference. As a result, the International Donors' Conference for the reconstruction of Iraq was held in Madrid, Spain, in 23–24 October. The Conference was able to send a united and strong message of the international community that the international community should actively implement the assistant to Iraq in order not to make Iraq the ''failure state.''

(b) Former Prime Minister Ryutaro Hashimoto visited France and Germany last December, as Prime Minister Koizumi's special envoy, and emphasized to the leaders of the both countries the importance of broad based solidarity among the international community on assisting reconstruction of Iraq. As a result, France, Germany, and Japan have agreed with pursuit of cooperation among the three countries regarding reconstruction assistance to Iraq. GOJ is consulting with France and Germany through

the framework of trilateral consultations on reconstruction assistances to Iraq in such areas as cultural affairs and police personnel training.

3. Cooperation under the Special Measures Law for Humanitarian and Reconstruction Assistance for Iraq.

GOJ dispatched Self Defense Forces to Iraq and surrounding countries and areas to provide humanitarian and reconstruction assistance for people of Iraq.

4. Coordination with CPA.

GOJ extends personnel cooperation through the Coalition Provisional Authority.

5. Cooperation with Arab and neighboring countries.

GOJ will promote such cooperation, for example, by promoting medical assistance through the Hashemite Charity Organization of Jordan, and Japan-Egypt Joint Medical Cooperation. As for the Japan-Egypt Joint Medical Cooperation, it is planned to start training of approximately 100 medical related Iraqi personnel in Egypt.

6. Cooperation under the International Peace Co-operation Law.

(1) In-kind contribution to UNHCR (2003 March 28).

Tents for 1,600 refugees were transported by 2 special government aircraft, and handed over to UNHCR in Jordan.

(2) Transportation cooperation.

Operation of JSDF Aircraft (C–130H) between Brindisi (Italy) and Amman (Jordan) for transportation of humanitarian relief materials (140 tons) of UN from 17 July 2003 till 12 August 2003.

7. Assistance for neighboring countries and others ($322.25 million).

(1) Jordan: grant assistance ($100 million) (2003 March 23).

(2) Palestine: food aid ($4.2 million) (2003 March 23).

(3) Palestine: announcement of a new assistance package ($22.25 million, including the above-mentioned food aid) (2003 April 29).

(4) Egypt: loans and grants (over $200 million) (2003 May 24).

Mr. STARK. Mr. Chairman, I rise in opposition to this Defense Appropriations bill. This bill is flawed for many reasons. It gives money to programs that don't need more money and advances policies that ought to be ended. But most egregious of all, it slips in a provision that has nothing to do with Defense Appropriations: raising the Federal government's debt limit.

Why have the Republicans hidden this provision in the bill? Because they're embarrassed—they're embarrassed that their economic policies require such a huge increase in our national debt. And they're afraid. They're afraid that if the American people hear a debate on raising the debt limit, it will expose their failed policies and damage their chances for re-election. How cynical. How embarrassing indeed.

Republicans have so failed in their economic policies that they have to hide a provision like this in a Defense bill, hoping that our debate on defense policy will overshadow their shenanigans. This is one more debacle to add to the Republicans' long list of governing failures.

Just 4 weeks ago, I voted against the Defense Authorization bill because it called for billions in funding for Star Wars, continued the Pentagon's addiction to wasteful and duplicative projects that pad the pockets of big defense contractors, and authorized $25 billion for Iraq without a clear or articulated exit strategy. This bill provides more of the same.

The bill provides $9.7 billion for missile defense on top of the $130 billion American taxpayers have already shelled out since 1983. Wasting more money on this program is absurd. It has proven to be completely inoperable and the idea that it will ever work is the dream of a mad scientist. This bill also calls for nearly $680 million for procurement and upgrades of the Trident II nuclear missile. These Cold War era weapons do not help us defend against terrorists, they only raise the nuclear ante around the world.

The bill provides $3.6 billion for 24 F–22 Raptors, despite GAO reports showing cost overruns and technical problems. In fact, the cost of these fighters has actually increased from $200 to $300 million per plane. Boneheaded marine general would continue to use a plane that doesn't work. This bill also continues to fund the Osprey, a plane so dangerous and which has led to so many American deaths, it is inconceivable that the Pentagon would continue to use them.

Imagine what we could provide our children—the next generation—if we discontinued these programs. Already, the Nation's public schools have been denied $27 billion dollars promised them when Congress passed No Child Left Behind.

Imagine what you could do for working families. In my district in California, low-income families are being evicted because the Federal government has cut funding for housing subsidies. Others throughout Alameda County face the specter of losing their health care coverage.

Mr. Chairman, our Nation certainly needs to spend money on its defense. But defense means more than just guns and planes. It means defending our children from ignorance through education, defending our sick from disease through health care, and defending our elderly from poverty through Social Security. It is time we incorporate our other vital national priorities into our Defense Budget. I cannot in good conscience vote for a bill that wastes money and threatens to waste the future we owe our children.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to discuss this important legislation, the Department of Defense Appropriations Act of 2005, especially in light of this country's current situation in Iraq and Afghanistan as well as its relationship with the international community. Because of the very small difference between the amount requested by President Bush in his Budget and that recommended by the Committee in this legislation, that is, $1.6 billion relative to the total amount recommended of $416 billion, my colleagues and I understand that we must grapple with the same fundamental differences that we had with the Administration's proposal when considering this legislation.

Congress has appropriated around $150 billion to date in military and reconstruction funding for the Iraq war. It has been estimated that the total amount expended for this situation will grow to a quarter of a trillion dollars for operations in Iraq and Afghanistan. There are clearly many other urgent initiatives that demand these funds without the trade-off in American lives.

Many thanks go to the Ranking Member of the Appropriations Committee for his leadership and work. He successfully won passage of an amendment that will require a detailed report from the Department of Defense and the White House Office of Management and Budget for their best estimates on long-term war and reconstruction costs of our operations in Iraq and Afghanistan by October 1, 2004. The American people have waited long enough for this information and deserves continued updates on the spending of its money.

It is unfortunate that this bill does not provide appropriations for military housing because homelessness has become a very real crisis among military veterans as well as for families of some who are in active duty.

Unfortunately, about one-third of the adult homeless population has served this country in the Armed Services. As many as 250,000 male and female veterans now live on the streets or in shelters, and about twice as many of those who live on the streets experience homelessness at some point during the course of a year. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and dismal living conditions in cheap hotels or in overcrowded or sub-standard housing.

Currently, the number of homeless male and female Vietnam era veterans is greater than the number of service persons who died during that war. Furthermore, a small number of Desert Storm veterans are also appearing in the homeless population.

Almost all homeless veterans are male (about three percent are women), the vast majority are single, and most come from poor, disadvantaged backgrounds. Similar to the general population of homeless adult males, about 45 percent of homeless veterans suffer from mental illness and slightly more than 70 percent suffer from alcohol or other drug abuse problems. Moreover, roughly 56 percent are African American or Hispanic.

Furthermore, the amount in this bill includes a $25 billion supplement to cover costs of operations in Iraq and Afghanistan. Our policy in these regions is severely misguided, as evidenced by the repeated brutal slayings of American military personnel and civilians. Incidents such as the horrific beheading of the New Jersey-born engineering contractor for Lockheed Martin in Saudi Arabia should give this Administration an added sense of duty and responsibility to ensure that these monies are spent to improve our relations, our reputation, and our efficiency in the region.

The original President's request, prior to the emergency supplemental, did not include funds for Iraq and Afghanistan operations. It also failed to include some of the essential needs of our troops such as additional personnel, protective gear, and repair or replacement of weapons systems that have been damaged in the war to date.

The apparent confused policy evidenced by the miscalculation of what the war would cost, placing some 40,000 of our troops in Iraq without adequate supplies or support, and more recently, on May 28, Attorney General Ashcroft's announcement of new threat alerts unbeknownst to the Secretary of Homeland Security and the Commander in Chief corroborate Ranking Member OBEY'S statement in the Committee Report (108–553, p. 409) that "[t]he Administration and the Pentagon have abused the trust that the Congress and the American people placed in them."

Mr. Chairman, this bill does not adequately address the needs that have arisen as a result of the Administration's hasty actions and commitments. We must now do what is necessary

to curtail the death of American troops, civilians, and members of the international community.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today to share my thoughts on this extremely important piece of legislation. H.R. 4613, the Fiscal Year 2005 (FY05) Defense Appropriations Act, provides for our national security interests, as well as for the men and women in uniform who are serving overseas and at home to preserve and protect those interests. I commend my distinguished colleagues from California and Pennsylvania, the Chairman and Ranking Member, respectively, of the Appropriations Subcommittee on Defense, for the outstanding focus and effort they have obviously devoted to this bill. I also commend the Chairman and Ranking Member of the full committee for quickly delivering this necessary legislation to the floor.

I would like to call attention to some aspects of the bill that are particularly noteworthy: H.R. 4613 fully funds the budget request for a 3.5 percent military pay raise. As importantly, it would reduce the average out-of-pocket housing expenses for military members from 3.5 percent to 0 (zero) in FY05; The bill provides $2.3 billion for force protection requirements, including Up-Armored HMMWVs (''Humvees''), that are absolutely vital to our men and women serving in Operations IRAQI FREEDOM and ENDURING FREEDOM; H.R. 4613 also fully funds the Administration's request for operational training, such as flying hours, ship steaming days, and ground forces exercises, that are essential for the readiness of our forces; The bill includes funding for personnel costs related to the Army and Marine Corps end strength increase for FY05 found in H.R. 4200, the House version of the National Defense Authorization Act that passed the full House last month; With respect to combat and tactical vehicles used by the Army and Marine Corps, the bill provides $2.2 billion above the budget request. I am pleased that $330 million of this amount would support Guard and Reserve vehicle needs; H.R. 4613 also provides more than a quarter-billion dollars above the budget request for shipbuilding.

I am pleased that the bill fully funds the Administration's request for *Virginia*-class submarine procurement and CVN–21 aircraft carrier research and development, two programs that must stay on track if our Navy is to maintain its supremacy on and beneath the seas into the 21st Century.

I am also pleased that the bill's support for procurement of an additional Burke-class destroyer (DDG–51) in the FY06–07 window shows the committee's awareness of the perils associated with any production gap between the end of DDG–51 construction and the start of DD(X) construction, which threatens our domestic shipbuilding capability.

I am reassured that the report language confirms the committee's concern with the threat to our national security associated with erosion of our unique shipbuilding skill sets, which are a must-have if we are to ensure that our warships are built at home and not overseas. Furthermore, with respect to the strength of naval force structure, which I hope we all agree is an inimitable part of our national defense today and tomorrow, the observation in the report language that ''operational requirements of the Navy necessitate the construction of at least one more DDG–51'' is a very positive and welcome sign.

However, I must state my serious concern with the $248 million reduction in development of DD(X), the next-generation, multi-mission destroyer. I am concerned that delaying construction by one year will significantly hurt development of this program, which is a vital requirement for the fleet.

The Chief of Naval Operations commented last month on DD(X): ''This program will form the cornerstone of our Nation's future Surface Navy. It provides war fighting capabilities that our Navy needs now, plus it brings important shipbuilding growth and opportunities for our industrial base. . . . I am confident that we are . . . being good stewards of the taxpayer dollar, and producing much needed capabilities that will ensure our Navy/Marine Corps team remains preeminent well into the next century. I ask that you reconsider and fully restore funding for DD(X).''

It is imperative that Congress help the Navy by funding DD(X) sufficiently to keep the program on schedule.

I want to thank the Chairman for his hard work on this bill, and I urge my colleagues to remember the importance of this program to our Navy and to our national security.

Ms. MCCOLLUM. Mr. Chairman, I rise to urge my colleagues to support a provision regarding cluster munitions that I have included in the Manager's Amendment to the Fiscal Year 2005 Defense Appropriations bill.

I also want to thank you, Chairman LEWIS, and Ranking Member MURTHA for recognizing the unintended collateral damage and human damage caused by cluster munitions.

The provision would require that the Department of Defense issue to Congress a written report on steps being taken to reduce the dangerous, unintended consequences of cluster munitions and submunitions. In particular, it will help hold the Pentagon accountable to their own policy standards and to the American people by helping ensure cluster munitions have a failure rate, or ''dud-rate'', of 1 percent or less.

Cluster munitions are large weapons that contain hundreds of smaller submunitions, which upon release spread across a broad footprint and explode. These weapons continue to be used extensively by the U.S. military, even while alternatives and advanced technology exists.

The use of cluster bombs in populated areas has taken a tremendous humanitarian toll. According to USA Today, one Iraqi father, after witnessing a U.S. cluster bomb strike in Iraq that killed his son, said ''Regular shells would hit only one spot, not every place just like a rain of death.''

Cluster munitions strike without distinction. They rain hundreds of thousands of smaller submunitions. Many of these submunitions have high dud rates—as high as 10 percent to 30 percent in certain instances—which leave large numbers of unexploded submunitions that become de facto landmines that continue to kill and main, even long after the conflict is over.

Extremely hazardous, these unexploded ''duds'' have been lethal for U.S. soldiers, peacekeepers, and local civilians. Children, especially, are often tempted to pick up these weapons since submunitions are small and can appear to be an intriguing object to play with.

The use of cluster munitions is widespread. In Iraq, for example, Human Rights Watch used Pentagon figures to estimate that the use of cluster munitions in populated areas in Iraq caused more civilian casualties than any other factor in the coalition's conduct of major military operations.

U.S. and British forces used almost thirteen thousand cluster munitions, containing nearly two million submunitions that killed or wounded more than one thousand civilians.

Cluster munitions also take a toll on U.S. service personnel. A tragic example, reported by the Associated Press, involves U.S. Army Sergeant Troy Jenkins.

After seeing an Iraqi child pick up a cluster submunition off the ground. Sergeant Jenkins rushed over to take the cluster submunition from the child. The ''bomblet'' then exploded and Sergeant Jenkins was killed.

Today, countless U.S. service personnel encounter this unexploded ordnance. It makes their job extremely difficult and much more dangerous than it already is.

The Pentagon has recognized the dangers of cluster munitions and has looked for solutions. In 1999, then-Secretary William Cohen issued a department-wide policy memorandum stating that all submunitions that reach full rate production during the first quarter of Fiscal Year 2005 must meet a failure rate standard of 1 percent or less. I ask unanimous consent to put a copy of Secretary Cohen's memo into the CONGRESSIONAL RECORD to accompany my statement.

Despite this action, the Pentagon continues to produce and procure cluster munitions that have high ''dud'' rates when other alternatives are available. The Department's budget for the coming fiscal year contains several procurement requests for weapons programs that do not meet the 1 percent or lower standard. This is unacceptable. It is time for the Pentagon to stop buying or using cluster weapons that employ old technology.

Mr. Chairman, our troops in the field, their families and the American people deserve accountability and answers from the Pentagon. It is time for the Pentagon to purge our arsenal of legacy submunitions and move toward the 1 percent dud rate. This report will help in these efforts, but it is not nearly enough.

In the end, I believe we must find a way to ensure cluster munitions are never used in populated areas and we must do more to address the unintended consequences of these weapons. Our troops, their families and the innocent victims living in post-conflict areas deserve our full attention.

Again, I thank Chairman LEWIS and Ranking Member MURTHA for their support of this provision, I urge its passage.

THE SECRETARY OF DEFENSE,
Washington, DC, January 10, 2001.

Memorandum for the Secretaries of the Military Departments.

Subject: DoD Policy on Submunition Reliability (U).

Submunition weapons employment in Southwest Asia and Kosovo, and major theater war modeling, have revealed a significant unexploded ordnance (UXO) concern. The following establishes the Department's policy regarding submunition weapons acquisition. The policy applies to systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that are designed to attack land-based targets and that deploy payloads of submunitions that detonate via target acquisition, impact, or altitude, or self-destruct (or a combination thereof). It is the

policy of the DoD to reduce overall UXO through a process of improvement in submunition system reliability—the desire is to field future submunitions with a 99% or higher functioning rate. Submunition functioning rates may be lower under operational conditions due to environmental factors such as terrain and weather.

Program Managers shall include the nonrecurring cost of increasing the overall functioning rate; the operational use costs, including the cost of clearing UXO on test and training ranges in accordance with DoD policy and operational requirements; and disposal costs, as part of the life-cycle costs of all future submunition weapons. The Program Manager should establish submunition functioning thresholds and objectives that advance the process of improvement in system reliability, and that take into consideration the benefits from reduced UXO (i.e., a cost-benefit analysis of increasing the functioning rate (cost) and the resulting reduction in UXO (benefit)).

The Services may retain ''legacy'' submunitions until employed or superseded by replacement systems in accordance with the above policy. The designation ''legacy'' would apply to submunition weapon acquisition programs reaching Milestone III prior to the First Quarter of Fiscal Year 2005.

The Services shall evaluate ''legacy'' submunition weapons undergoing reprocurement, product improvement, or block upgrades to determine whether modifications should be made to bring them into compliance with the above policy.

The Services shall design and procure all future submunition weapons in compliance with the above policy. A ''future'' submunition weapon is one that will reach Milestone III in FY 2005 and beyond. Waivers to this policy for future ACAT I and II submunition weapons programs, shall require approval by the JROC.

This policy applies to all acquisition category submunition weapons programs. Compliance with this policy shall be assessed by the Component or Defense Acquisition Executive, as appropriate.

BILL COHEN.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 4613, the Defense Appropriations Act for Fiscal Year 2005. This piece of legislation is the most significant component of our wartime budget for America. It is the third bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee. I am pleased to report that it is consistent with the levels established in the conference report to S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, which the House adopted as its fiscal blueprint on May 19th.

The budget resolution set aside $420.8 billion in discretionary budget authority for the national defense function in 2005. In addition, the budget resolution set aside $50 billion for overseas contingency operations. As members recall, the administration's initial budget submission did not provide funding for Iraq and Afghanistan; but in consultation with the membership we decided that providing a mid-range estimate for those operations was the only way to construct a meaningful budget blueprint.

H.R. 4613 funds the bulk of the national defense commitment. The rest is funded in the military construction bill and the energy and water bill.

H.R. 4613 provides $390.9 billion in new discretionary budget authority towards funding the President's February 3rd defense budget request. It also contains $25 billion requested by the President as a fiscal year 2005 Iraq war supplemental, the repeal of $1.8 billion in rescission authority provided to the President in last year's omnibus appropriations bill, $685 million in additional funds for the State Department, and $95 million for international disaster relief and migration assistance. The bill provides that if this spending occurs in fiscal year 2004 it will be designated as an emergency and will not count against the budget limits; if it occurs in 2005 it will be counted against the $50 billion contingency for war-related operations provided for in the budget resolution.

Excluding the overseas reserve portion, the bill's funding shows a 6.6-percent increase from the previous year, and it builds on a 5-year average annual growth rate of 7.2 percent for defense appropriations. The base amount is equal to the 302(b) allocation to the House Appropriations Subcommittee on Defense.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

This bill represents the House's support for the nearly 160,000 U.S. troops performing courageous duty in Iraq and Afghanistan. The bill also contains the largest research and development funding ever, and the largest procurement funding since 1990.

H.R. 4613 does have one aspect that is a potential cause for concern: the bill reduces funding for operations and maintenance in by $1.8 billion from the President's February request. While there is a widespread belief that any potential operations and maintenance shortfall can simply be made up for in a future supplemental, I would raise a caution that Congress ought not to make it a regular practice to budget by supplemental for predictable events.

With that reservation, I express my support for H.R. 4613.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to thank Chairman LEWIS and Ranking Member MURTHA for agreeing to include my amendment in the Managers Amendment.

Today, we are considering the $418 billion Department of Defense appropriations bill that is solely funded by American taxpayers. It is estimated that between $200 to $225 billion of this funding will be spent on Federal contracts, and at least $20 billion will be allocated for contracts performed overseas. Unfortunately, there are no requirements to ensure that American small businesses have an opportunity to compete for these overseas contracts.

The amendment I am offering today will give small businesses this chance. It will simply require that large companies submit a subcontracting plan prior to being awarded a DoD contract for work overseas—which they are currently required to do for domestic contracts.

Throughout our Nation's history, small businesses have been systematically shut out of the Federal procurement process. Government agencies continue to fail to meet statutory goals designed to ensure fair and equitable small business participation in the Federal marketplace—costing small firms billions of dollars in lost contracting opportunities.

The size of Federal contracts keeps increasing as small jobs are combined into large procurement packages, where only big corporations are capable of meeting all of the product and service requirements. As a result, small businesses that can provide some of these services cannot compete for the contract, even if they offer greater savings to the American taxpayer.

Nowhere is this more apparent than at the Defense Department, which accounts for 65 percent of the entire Federal procurement market. DoD has substantially increased its contract volume over the last several years, yet the number of small businesses receiving these contracts has significantly declined. In FR 2003, the top ten corporations receiving DoD contracts were awarded nearly half of the agency's entire procurement budget.

Clearly, small companies already face difficult obstacles when trying to do business with the DoD. And now, we are considering a multi-billion spending bill that makes it almost impossible for small businesses to have a shot at winning any part of the billions of dollars in contracts for overseas work.

We have more than 700 overseas military bases in over 40 countries across the globe. Whether providing medical equipment to Ramstein Air Force Base in Germany, office supplies for the Marine Corp's Camp Butler in Japan, designing security technology for new military installations in the Middle East and Central Asia, or planning and constructing possible new bases in West Africa and Eastern Europe—U.S. small businesses have products and services to offer and should have that opportunity.

My amendment gives small businesses access to this expanding market by ensuring that large corporations are subject to the same subcontracting requirements for international contracts, as they are for contracts here at home.

Under current law, large contractors in the U.S. are required to have a plan in place on how they will use small businesses prior to receiving contract awards. In these plans, a contractor must simply identify small business goals and demonstrate that they made every practical effort to offer subcontracts to small companies.

By providing subcontracting opportunities, we ensure that the company that can do the work for the lowest price wins the contract—whether a multinational conglomerate or a small U.S. business.

Small businesses are the backbone of our Nation's economy. They account for 97 percent of all companies, provide three-quarters of all new jobs, and make up half of our GDP. Unlike their corporate counterparts that benefit from cheap foreign labor, we can count on small businesses to create jobs in our communities.

Our small businesses are more than capable of providing services and products in the global market. In fact, 97 percent of U.S. merchandise exporters are small- and medium-sized companies.

Whether domestic projects or overseas work, our Nation's small businesses deserve access to these Federal contracting opportunities. There should be no double standard.

Again, I thank Chairman LEWIS and Ranking Member MURTHA for agreeing to include this critical provision in the Managers Amendment. I look forward to continuing to work with the Committee to ensure that small businesses have the opportunity to grow and expand our national economy.

Mr. KUCINICH. Mr. Chairman, I rise in strong opposition to H.R. 4613, the Defense Appropriations Act of FY 2005. The bill spends $418 billion—including $25 billion for operations in Iraq and Afghanistan. Congress could spend tens of billions less and still easily protect our nation. And continued funding of military operations in Iraq keeps the US in the long running quagmire.

If the administration's request of more than $447 billion, including military construction and energy spending, is approved, overall defense spending, in real terms, would be about 18 percent higher than the average Cold War budget. Moreover, if current long-term administration plans are realized, defense spending would increase by 23 percent from 2004 to 2009, or about 23 percent above average Cold War levels. None of these figures include additional FY 2005 funding expected for operations in Iraq.

The bill provides $9.7 billion for national missile defense programs (NMD); $632 million, 7 percent, more than the current level. The NMD has not completed its development tests, much less its critical operational tests performed under realistic combat conditions. As a result, there is no way of knowing if the system will be successful. Thomas Christie, director of the Pentagon's Office of Operational Test and Evaluation, confirmed in a March 11 hearing that there is no way to determine if the system will work. In an April 2004 report, the GAO stated: ''As a result of testing shortfalls and the limited time available to test the BMDS [Ballistic Missile Defense System] being fielded, system effectiveness will be largely unproven when the initial capability goes on alert at the end of September 2004.''

NMD provides no defense against the most likely future attacks on U.S., which would not be delivered by missiles. The methods of delivery have already been demonstrated at the World Trade Center in New York, the Federal Building in Oklahoma City, the U.S.S. *Cole*, the U.S. embassies in Africa, the trains in Madrid and the subway in Tokyo. A nuclear weapon is much more likely to be delivered on a truck than a ballistic missile.

The bill wrongly spends $3.6 billion on the controversial 24 F/A–22 Raptor fighter, the most expensive jet fighter every built. The F–22, continues to be plagued by cost over-runs, technical problems, and questions about whether the Air Force should be directing its resources to expensive aircraft when newer strategies might be more effective and less costly. The aircraft also continues to be plagued by technical problems, including a weak horizontal tail, perpetual overheating and overly complex avionics software that has often failed during testing. The F–22 is now 10 years behind schedule and is over four times more expensive than the F–15 and F–16 it is meant to replace. Shifting to the F–22 means a smaller airforce that is paradoxically more expensive to procure and maintain.

The bill permits the Pentagon to proceed with its wrong-headed plan to lease or buy 100 KC–767A refueling tankers for the Air Force. The plan represents an enormous subsidy for Boeing and delivers planes the Air Force does not need. Last month, a report by the Defense Science Board found no ''compelling material or financial reason'' to buy or lease 100 of the aircraft. The report followed a study released last month by the department's inspector general claiming that alternatives to the current plan should be re-examined.

Among the many other objectionable provisions, the bill funds an increase of 13,000 active-duty Army and Marine Corps personnel. And the measure provides for an average pay hike of 3.5 percent for military personnel, but only 1.5 percent for civilian Defense Department employees.

Mr. ORTIZ. Mr. Chairman, I rise today in support of our small businesses and in favor of my colleague's amendment. If we are going to keep America strong—we must make sure that we keep our small businesses strong. Our current contracting practices will not keep our small businesses solvent.

As many of you know, small businesses employ almost 60 percent of our private, nonfarm work force. They generate more than half of our Nation's private, gross domestic product, and create a major share of our new jobs every year. This is why our continued efforts to bundle more and more contracts for federal services concern me. Of course, it is easier to give more work to a smaller number of contractors. That means there are fewer contracts to work and less time spent in administration, but this is only half of the issue.

While we are making life easier for the contract administrators, we are limiting the number of companies competing for these larger contracts. Small businesses are unable to compete for most of these bundled contracts because the contract amount is too large or because the contract covers too large of a geographic area. In the end, there is a loss of competition and an environment where a few large businesses control the market.

The Federal government should not abandon the competitive and pioneering small business market for more convenient contract administration. This is not good for our small businesses or for our country.

I hope my colleagues will join me in support of this amendment and our small businesses.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in House Report 108–559 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $29,507,672,000.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a few moments to express one concern I have about this bill. I want to make clear I will vote for the bill on passage. But I want to say this before I do: If a Nation is going to be led into war, its leaders owe the public an explanation of our choices and an estimate of the costs of the acts that we are about to incur. We have not been getting that from this administration with respect to Iraq.

The administration's response to every question has been ''Trust us! and Oh, by the way, please get out of the way.'' To wage war, the administration asked first of all that we provide an unfettered lump sum of money. The Congress declined to do that. The administration then provided the Congress with faulty intelligence.

When we asked the administration for an estimate of the cost of the war over the long term, the Secretary of Defense responded by saying, quote, ''that is unknowable,'' despite the fact that the Pentagon has always had their own internal estimates of what long-range costs are supposed to be.

When we asked the military leadership of this country how many troops it would take to pacify Iraq, General Shinseki was honest enough to tell us: ''about 200,000.'' The administration said, ''No, no, no. That is not right.'' And they, in effect, punished the good general for his frankness.

When the State Department prepared long-term plans for post-war Iraq, the DOD brushed aside those plans. They did not know the cost of their own plans but they knew more than everybody else did.

The administration rushed into war with inadequate supplies of body armor, and jammers, they needed for remotely detonated devices, and inadequately armored Humvees. Now there are 800 dead or more. The Army is stretched to the breaking point. We have effectively, for the Guard and Reserve forces who are seeing their tours of duty extended, we have effectively for them reinstituted the draft.

And the country is still wondering where we are going and how we are going to get there.

We spent $150 billion so far on the effort. We now have a $390 billion defense bill before us. At first the administration admitted no need whatsoever for additional funding. Now they are at least ''fessing up'' to the fact that the first quarter costs will be $25 billion. In fact, the Pentagon's internal estimates indicate that it will cost at least $50 billion more than we are being told.

If this bill fessed up to the full year cost of funding this war, we would be

appropriating at least $50 billion more than we are appropriating today. No doubt after the election, the public will be told what the facts are on the installment plan. Then little by little, we will learn what the estimated real costs are.

Now, I understand that the administration cannot give us down to the last jot and tittle what the final cost will be, but they can certainly give us estimates about a range of cost expectations, given their own internal planning. The country has a right to that. And if we were determined to provide the public with full information, that is what we would be doing today. I wish we were but we are not.

Let me simply say I am pleased that the bill does contain language which was accepted by the committee to require the administration to give us their best judgment about what the range of cost will be of this war. Regardless of whether we are for it or against it, regardless of whether the administration was right or wrong, we are there, we need to know what the plans are for dealing with the problem and we need to know what a reasonable expectation of cost is so that we can make realistic judgments about other national priorities, so that we can make realistic judgments about how much in tax cuts the country can afford. Otherwise we are simply going to be adding all of this to the tab and asking our kids to pay it down the line.

So I congratulate the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Mr. LEWIS) for producing a reasonable bill under the circumstances. But let us not kid ourselves, if the taxpayers want to know what the real cost of this bill will be once the full cost of the war will be factored in, you will have to up it by at least $50 billion. You are going to be looking at a total cost for that war, which is approaching $250 billion, without factoring in what additional costs we will have the next 5 years. It is a huge, huge price to pay for a mistake.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,416,157,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $9,591,102,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,291,411,000.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding that the $25 billion Iraq supplemental title of this bill includes 95 million for relief in Sudan. $25 million for refugees and 70 million for disaster assistance. In 1994, this country, along with the rest of the world, stood and watched as 800,000 men and women and children were slaughtered in Rwanda. Two months ago, the world community marked the 10-year anniversary of a modern-day genocide in Rwanda and said, ''never again.''

In Sudan by conservative estimates at least 10,000 people have been killed in the last year in Darfur, the Western region of Sudan, more than 1 million black Sudanese have been forced from their homes by government-backed militias.

□ 1515

Lack of food and water and the approach of the rainy season will surely wreak havoc on the lives of these people. U.S. AID Administrator Natsios has said that even if relief efforts were accelerated, more than 300,000 forced from their homes would die of starvation and disease. If the Sudanese Government and their militias keep blocking aid, or foreign governments hesitate, Natsios said, the ''death rates could be dramatically higher, approaching 1 million people.''

I want to commend the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, State Judiciary and Related Agencies, for doing so much to bring attention to Sudan. I also want to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and the gentlewoman from New York (Mrs. LOWEY), the ranking member, and the gentleman from Florida (Mr. YOUNG), the full committee chairman, and the gentleman from California (Chairman Lewis), as well as the gentleman from Pennsylvania (Mr. MURTHA), for including this most vital funding.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman should take full credit. He is the one who asked and the one that recognized it, and we are certainly glad for the Subcommittee on Foreign Operation, Export Financing and Related Programs; but he is the guy that made sure that this got in there.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MURTHA).

It is a critically important start. I hope, Mr. Chairman, in future bills we can discuss including food aid since the 200,000 Sudanese refugees who have fled to Chad and the 1 million internally displaced have missed the planting season this year.

Again, I thank the chairman and the ranking member, and I want to work with both of them throughout the process to prevent another Rwanda.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,719,990,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,108,232,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $653,073,000.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage today in a colloquy with the gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Subcommittee on Defense appropriations.

First, let me just thank the gentleman for the very hard work that he

consistently does for the security of our Nation. I appreciate this opportunity to discuss an issue that is of great importance, that is, ensuring that our Federal defense dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I thank the gentlewoman for yielding.

I want to assure the gentlewoman from California I agree with her on the point and appreciate her intention in raising this issue, and I want to assure the gentlewoman that as the bill moves forward we will be mindful of this issue and work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, let me just thank the gentleman for his attention to this issue and so many issues that are important to our Nation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,451,950,000.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

For the last 230 years, the United States has evolved from a ragtag collection of determined colonials who were able to meet the most powerful military in the world to today being the most powerful Nation. There are many chapters to that story. It was achieved at tremendous cost in human life and sacrifice, many lessons that we have learned, sometimes painfully.

This long, rich, varied history created the power that is the United States today and is, frankly, too little understood. We have tallied and documented the casualties, the missing and the maimed; but it does not tell the full story.

Our Nation's military history has a footprint that extends across the country and across the globe. Our military is the largest user of energy in the world. It is the largest manager of infrastructure, but 250 years of fighting and training around the country and around the world has produced a toxic legacy today.

People have forgotten about the unexploded bombs used in training, the discarded munitions, particularly in times past when our country appeared so large, the installation so remote, and the challenges we faced so dire. The cleanup of our toxic legacy has always been left to the future. It is my hope today that Congress will send a signal that when it comes to the toxic legacy of the past, the future is now; we will no longer avoid our responsibilities and look the other way.

There are many reasons for addressing the cleanup other than just the arguments of the environmentalists. There are clear and conservative, fiscal and military imperatives. These problems do not go away. We have millions of acres that are off limits and potentially contaminated. There are vast challenges from yesterday's legacy. Until these dangers are cleaned up, the longer we wait, the greater the cost to the taxpayer through escalating costs, as munitions decompose, toxins migrate in the groundwater and memories fade as to where the bombs might be. Cleanup delayed inevitably makes cleanup more expensive as the problems get worse and inflation drives the prices higher.

Mr. Chairman, I had an amendment that I was seeking to offer that would do something about it, to be able to enable us to do a better job. The first thing we ought to have done was put one person in charge. My amendment would have established a separate line item for cleanup of UXO in the Defense appropriation bill, entitled ''Military Munitions Response Program,'' separating UXO from the hazardous waste cleanup to provide the focus that the UXO efforts needed.

The amendment would also have established an assistant Deputy Under Secretary of Military Munitions Response to the Deputy Under Secretary for Defense Installations and Environment at the Department of Defense. I have been trying for the last 5 years to be able to help us get a handle on this by having one person in charge and be able to know exactly what the status is. Unfortunately, despite working through both the authorizing and the Committee on Appropriations, we still face the situation today where it is fractured, where no one person is in charge. I hope that our failure to act on this toxic legacy can be reversed.

I will not offer the amendment because I know that it would be ruled out of order, but I wanted to make the point as we are dealing with this massive bill.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, there is no one who has worked harder on this issue than the gentleman from Oregon (Mr. BLUMENAUER). The committee is very aware of it, and we put report language in to make sure to try and go in the direction the gentleman tried to. We made a slight increase in the amount of money available. We know it is a massive problem. This committee has been in the forefront of trying to address this problem. We appreciate the gentleman's concern. He has brought it to our attention over and over again, and we are doing the best we can.

We know some of the things the gentleman pointed out, we put into the language to say we have got to get it straightened out. So we appreciate the gentleman's hard work and dedication in trying to solve this very difficult problem.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's kind words. I appreciate the difficult task that his subcommittee has.

As I think of the challenges that we face, I cannot think of anybody with a more difficult challenge today, and my heart goes out to the difficulty my colleague has in terms of providing for the needs of our constituents that are overseas.

But, as I say, I will not offer this amendment because I think it would be ruled out of order. I want to make the point that nobody in the Department of Defense to this day is in charge. There is no separate account that enables an appropriate accounting; and in the course of the debate this afternoon, I look forward to offering up some alternatives that may, in a small way, help my distinguished friends on this subcommittee who have what I truly believe is a difficult task; but I want Congress to no longer be missing in action on unexploded ordnance and military toxins that pollute millions of acres around this country. In fact, nobody knows how many are polluted.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,915,229,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,536,742,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance

of the Army, as authorized by law; and not to exceed $11,144,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $25,820,311,000: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Connecticut (Mr. SHAYS) and I were originally going to offer an amendment, but we are not going to do that. We are withdrawing the amendment; and instead, we look forward to engaging in a colloquy with the chairman and the ranking member.

Mr. Chairman, the issue that we are discussing today is of extraordinary importance. In the midst of Iraq and Afghanistan, let us never forget that 100,000 veterans from the first Gulf War continue to suffer from a yet not fully understood debilitating illness commonly known as Gulf War Illness.

The gentleman from Connecticut (Mr. SHAYS) and I for a number of years have been working together on this issue, and I want to applaud him for his leadership. The fact of the matter is that over the years, while the Congress has appropriated many, many millions of dollars to research and tried to understand Gulf War Illness, in fact, much of that money has not been effective in getting us to better understand this problem.

As many will recall, at the beginning of this discussion, the DOD and the VA were both saying, hey, there is no problem; and then more and more veterans came forward and they said, well, there is a problem, but it is stress related. Finally, after many, many years, I think both the VA and the DOD now understand that we have a very serious physical problem.

Mr. Chairman, I am happy to inform my colleagues that the good news is that real progress is now being made in our understanding of Gulf War Illness. Medical researchers like Dr. Robert Haley of the University of Texas and other researchers can now measure real physical neurological damage in many Gulf War Illness sufferers. These injuries are likely the result of low-level exposure to chemical nerve agents during the first Gulf War. Much of the evidence suggests that exposure to these nerve agents is the direct result of the destruction of a major chemical weapons dump in Iraq by the U.S. military that created a plume of chemicals that may have exposed hundreds of thousands of U.S. military personnel and civilians in the region.

In hearings held by the gentleman from Connecticut (Mr. SHAYS) in the last couple of weeks, we heard from Dr. Haley about the status of his research. Dr. Haley's findings were corroborated at the hearing by Dr. Paul Greengard, a 2000 Nobel Laureate and head of the Laboratory of Molecular and Cellular Neuroscience at the Rockefeller University. He agreed that research into neurological damage caused by low-level nerve agents is the most promising in terms of finding a cause and a treatment for Gulf War Illness.

There has also been a change in attitude in the Pentagon and the VA about this illness. It appears that both now acknowledge that this is a very real physical injury. Secretary of VA Anthony Principi has taken an active interest in supporting Gulf War Illness research and has committed $15 million to continuing the fight.

Mr. Chairman, I would introduce into the RECORD at this point a letter from Jim Binns, who is the chairman of the Research Advisory Committee on Gulf War Veterans Illnesses, who supports this line of research.

VA EASTERN KANSAS
HEALTHCARE SYSTEM,
Topeka, KS, June 22, 2004.

Hon. CHRISTOPHER SHAYS,
Chairman, Subcommittee on National Security, Emerging Threats and International Relations, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to testify before your subcommittee on June 1. As you could tell from the hearing, we are at a moment of truth on Gulf War illnesses. On the one hand, the science is finally there to show that this is a medical problem, an important component of which is neurological in nature. Furthermore, researchers like Dr. Paul Greengard of Rockefeller University are waiting in the wings with projects that have a real chance of producing a cure. As you know, Dr. Greengard received the Nobel Prize in medicine in 2000 for his work to uncover the brain mechanisms involved in Parkinsons disease and to develop a treatment for that disease, and he testified that the same approach can succeed in Gulf War illnesses. In response to these new scientific findings, research managers at VA and DoD recognize the opportunity to pursue this type of research.

On the other hand, while Secretary Principi is going to increase VA funding to $15 million, DoD, which has historically funded three-quarters of Gulf War illnesses research, is currently funding no new projects in this area because of its internal priorities. In addition to the financial implications, this withdrawal of DoD from Gulf War illnesses research dramatically limits the universe of researchers whose talents can be brought to bear, because VA by law can only fund VA internal research. Unlike DoD or NIH, VA cannot give grants to outside researchers. Thus, researchers like Dr. Greengard and others who have done important, DoD-funded work in the past, cannot be funded with the possible exception of minor sub-contractor roles. Other respected scientists with relevant expertise similarly cannot be engaged unless they work for VA. So just as there is finally something solid to research, and a willingness on the part of the research managers to spend in the right places, funding is dramatically down, and the cadre of potential researchers is dramatically limited.

On behalf of the membership of the Research Advisory Committee on Gulf War Veterans Illnesses, I urgently request you to seek an amendment to the DoD appropriations bill to provide $30 million to the U.S. Army Medical Research and Materiel Command for Gulf War illnesses research in FY 2005. I have been told that Gulf War illnesses formerly was a line item in the DoD budget, in the period when federal spending was at the $45 million annual level (direct and indirect) in 1999–2002.

It would also be constructive to include language requiring that ninety percent of this funding be placed with non-governmental researchers, that DoD develop with VA and NIH (specifically the National Institute of Neurological Disorders and Stroke) a comprehensive federal research plan for Gulf War veterans illnesses, and that DoD seek the input and review of the Research Advisory Committee on Gulf War Veterans Illnesses in the creation of this plan and decisions on which research to fund in pursuit of the plan.

I apologize not to have brought this matter to your attention earlier, but our energies have been focuses on VA. Thank you for your consideration of this request at this critical juncture.

Respectfully,

JAMES H. BINNS,
Chairman, Research Advisory Committee on Gulf War Veterans Illnesses.

Mr. Chairman, I would also enter into the RECORD at this point a letter from Ross Perot, who has been one of the leaders on this issue over the years, who also understands that we are dealing with neurological illness.

PLANO, TX,
June 22, 2004.

Congressmen BERNIE SANDERS and CHRIS SHAYS,
Congress of the United States, Washington, DC.

DEAR CONGRESSMEN SANDERS AND SHAYS: As you both know, I have long been active in promoting and funding research to find treatments and a cure for Gulf War Illness—which now affects over 100,000 veterans of the first Gulf War.

In recent years, great strides have been made in our understanding of the actual physical harm that these veterans have suffered. Researchers like Dr. Haley and others have been able to detect brain damage that likely resulted from exposure to low levels of sarin nerve agents.

While the advances have been impressive, so much more still needs to be done. That is why I am pleased to support your amendment to the Department of Defense Appropriations bill to provide $30 million in Gulf War Illness research.

Not only will this type of research help victims of Gulf War Illness, but it could provide us with knowledge that would increase our ability to defend soldiers and civilians against future chemical attacks.

This research could also provide clues to other illnesses in both the military and civilian context that may be caused by low level chemical exposure.

Once again, I strongly support this amendment and look forward to working together to end the terrible suffering that so many Gulf War veterans are suffering.

Sincerely,

ROSS PEROT.

Mr. Chairman, I now move into the colloquy between the chairman and the ranking member, if I might.

Am I correct that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) are committing to work with the gentleman from Connecticut (Mr. SHAYS) and me to secure additional

funding for Gulf War Illness research when the bill goes to conference?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Vermont and the gentleman from Connecticut have both been very active in the fight for a cure and treatment of Gulf War Illness for many years, and the committee will work with both of them to increase funding for research in this area.

Mr. SANDERS. Does that commitment include the gentleman's willingness to support higher funding for Gulf War Illness research that might be included in the Senate version of the bill?

Mr. LEWIS of California. Yes.

Mr. SANDERS. Mr. Chairman, would the gentlemen be willing to work with the gentleman from Connecticut (Mr. SHAYS) and me to develop conference report language that would indicate the conference's expectation that the Department of Defense make a significant commitment to continue the breakthrough research which has recently indicated that the neurological damage associated with Gulf War Illness is caused by low-level chemical exposure?

Mr. LEWIS of California. Yes.

Mr. SANDERS. Mr. Chairman, I want to thank the chairman and the gentleman from Pennsylvania (Mr. MURTHA) very, very much for their support for this important breakthrough.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I just take the floor to thank both the chairman and ranking member for their assistance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,525,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,570,090,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,605,815,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $27,994,110,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $17,346,411,000, of which not to exceed $25,000,000 may be available for the Combatant Commander Initiative Fund; and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available under this heading, $3,000,000 shall be available only for a Washington-based internship and immersion program to allow U.S. Asian-American Pacific Islander undergraduate college and university students from economically disadvantaged backgrounds to participate in academic and educational programs in the Department of Defense and related Federal defense agencies: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

□ 1530

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will just take a minute. I want to thank the chairman and the ranking member for working with me and with other of my colleagues, the gentlewoman from Connecticut (Ms. DELAURO), certainly the gentleman from Washington (Mr. BAIRD). We have been working throughout the last several months on addressing the issue of our veterans from our war, both in Afghanistan and Iraq and other places where they are fighting around the world, and like every other conflict, we have had to learn this lesson over and over again, that in the course of battle, our men and women in uniform are not only injured, their legs are not only injured, their arms are not only injured, their other body parts are not only injured, but their psyche is injured as well.

And one of the things that we are very concerned about is any time you put a human being in the conditions that our young men and women are being called on to serve in, that you really jeopardize their psychological well-being. They come back, and many people would say, well, they do not look like they are injured. We do not see any injury. Then they must not be injured.

Quite frankly, Mr. Chairman, we have seen in the Vietnam War, in World War II, in World War I, it was called shell shock. It has been called post-traumatic stress disorder, and we are worried that in this war we do not learn from the lessons of the past and not put together the best ability in order to address this issue when our veterans are returning home to this country, particularly our Gulf War veterans, who are in the Guard and Reserve, because many of them when they come back, they go right back to civilian life with very little transition between the time they were in active combat and the time that they are back in their regular lives.

And what concerns me, Mr. Chairman, is that we need to do more to make sure that they are reviewed properly before they are released from the military to ensure that any potential wounds that they may have suffered in the course of the battle that they have fought on behalf of this country, that those wounds be tended to just as much as the other wounds they may have suffered throughout the Gulf War.

I thank the Chairman for the time. I look forward to continuing to work with the chairman and ranking member to make sure we address this issue in the coming months.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy on the coordination of the Defense Department's Family Advocacy Program and the Veteran Administration's Transition Assistance Program.

Last year on the floor, as you may recall, you accepted my amendment to the supplemental bill, H.R. 3289, to put $50 million into the Family Advocacy Program. My intent was to provide resources for families who have loved ones transitioning back into civilian life or military life. The Family Advocacy Program provides support services to families that are transitioning from the front line to the home front. This additional funding enables military families to get personal and marriage counseling, which will work to reduce the incidence of domestic violence and suicide among the military.

As we are all aware, domestic violence occurs within all groups and levels of society. However, the military

presents families with particular challenges not normally found in civilian society.

Today I want to take this issue a step further. The Veterans Administration oversees a similar program, the Transition Assistance Program, which provides a variety of transition services for military members and their spouses, including computerized job banks, resume writing assistance and help with the employment interviewing process. These transition services are made available to military spouses and family members without restrictions.

Mr. Chairman, it is well known that one of the leading contributors to domestic violence is financial troubles at home. It is my hope that coordinating these two programs, these two agencies, we can get more out of our resources and provide more comprehensive services and assistance to our men and women who are transitioning back into society. I ask that the Defense Department and the Veterans Administration work jointly in providing a report to Congress that outlines a strategic plan in which these two agencies and programs can better coordinate these very important transition services.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,976,128,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,233,038,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $187,196,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,227,190,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,376,886,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,438,738,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $5,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,825,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $400,948,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $266,820,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $397,368,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $26,684,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $216,516,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such

funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier I had mentioned my concerns about Congress no longer being missing in action when it comes time to clean up unexploded ordnance.

It is astounding to me how little awareness there is on the part of most of my colleagues how dire the situation is and how serious it is around the country. I have here one chart, Mr. Chairman, that speaks to the sites that we have, number of properties in various States and the territories around the country. One can see that it is every State in the union, every territory, and we are having a serious situation now, Mr. Chairman, in terms of losing ground. We have 2,300 sites, and we are still counting. At today's rate, it will take between 75 and 300 years in order to clean these up.

There have been references to our doing the best we can, and I agree. There are lots of efforts that have been undertaken to try and deal with this problem, but how it breaks out in terms of these 2,300 sites around the country, we are dealing here with only $204 million total in proposed budget for 2005. That is less than we had in 2003 by a substantial margin, barely more than we had last year. Even though inflation continues, the costs go up.

If I can put it in perspective, in terms of where we are spending the money, I have a chart here in terms of how much we are spending. We have 52 of these sites where we are spending $.5 million. Basically, it is kind of hold your own. It is kind of a maintenance effort. There are less than 2 dozen sites that are funded for over $1 million. And, Mr. Chairman, if this chart was to scale, the number of sites that we are spending nothing on would go from the bottom all the way to the ceiling, over 1,400 sites.

This is serious business. In Southern California, there were two 8-year-old boys who were injured after discovering a live shell in Terra Sana, a northern San Diego neighborhood. Following the tragedy, the Navy swept 300 acres and discovered 184 shells. This was, sadly, 20 years ago, the tragedy that killed those two boys. When I took to the floor yesterday, I talked about a situation in North Carolina, right now at Fort Butner, where a family is forced to move out of their home when they find a bomb in the front yard, a year and a half later they cannot live in it, they cannot sell it, and they are on the verge of bankruptcy.

There are thousands of acres around there that are now in private hands and are being sold where there will be liability in the future.

Here in Washington, D.C., a 30-minute bicycle ride from where we are standing right now, on the campus of American University, is the site of where we manufactured and tested chemical weapons during World War I. They are still working on it. Three times they thought they were done. They just recently extended the deadline between 2008 and 2010. And you know what, they are stopping work this year because there is not enough money to finish the job. The child care center at American University is still vacant because of the arsenic levels. It has not been fully cleared to be used. And they are working in home after home in some of the most expensive neighborhoods in our Nation's Capital.

I could go on at great length, going over the problems that are here that we are not addressing. I would offer up an amendment that would permit us to move in the direction of being able to have some wide area assessment so that we can go out and at least clear some of these properties so that they will no longer have to be off limits.

I invite you to look at some of the material that is being put out by the Corps of Engineers: Coloring books for children telling them not to pick up unexploded ordnance. Now, I am sorry, Larry the Lizard is a great guy, but he is no substitute for Congress stepping up and putting money behind the cleanup on our public lands.

Three times since I have been in Congress, we have had to pull firefighters out of the forests because the heat has exploded bombs around them. From New York to Arizona to Alaska. I would respectfully suggest the adoption of this amendment so that we can have some opportunity to clear millions of acres so that at least we will not have to have Larry the Lizard telling our children what they have to do when they visit our Nation's parks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2006.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $409,200,000, to remain available until September 30, 2007.

AMENDMENT NO. 8 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WOOLSEY:

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)''.

Ms. WOOLSEY. Mr. Chairman, my amendment to the defense appropriation bill will increase funds by $15 million for the Cooperative Threat Reduction, CTR, program, known here as Nunn-Lugar. This program has succeeded at reducing the number of nuclear weapons in the States of the former Soviet Union. My amendment will take $15 million from the Missile Defense Program, the single largest defense program in our Nation's history, and transfer it to CTR. We are taking funds from a program that has not been proven successful and we are transferring them to a program that has been proven extremely successful.

Mr. Chairman, in November 1991, to address the massive quantity of nuclear material left over in the former Soviet Union, Congress initiated CTR, and as I said, commonly referred to as the Nunn-Lugar program. CTR enlists the Department of Defense with the task of dismantling nuclear warheads, reducing nuclear stockpiles, securing nuclear weapons and materials in the former Soviet Union and elsewhere. The Defense Authorization Act of 2004 specifically authorized $50 million for proliferation threat reduction projects outside the former Soviet Union.

□ 1545

The extra $15 million for CTR could be used to engage Iran and North Korea. It would take the first steps toward working to demolish their nuclear weapons and infrastructure.

Mr. Chairman, in 1991, an estimated 30,000 nuclear weapons existed throughout the former Soviet Union. These conditions raised the serious concern that nuclear materials could be smuggled beyond the borders of the former Soviet Union or that Soviet nuclear scientists might be able to export their expertise or actual nuclear materials to rogue nations or terrorist groups.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have $409 million in this program. I think it is premature what she asks here. But if the gentlewoman would withdraw her amendment, we will certainly take it into consideration and try to work something out here because there is no question it could be a

problem in the future, and I think what she is addressing is a very important issue. But I think it would be premature, and I hate to see her turned down when we have got $409 million there.

If the gentlewoman would withdraw the amendment, I assure her we will do everything we can to work something out in relation to what she is trying to do, which would be to put $15 million into Iran in case it comes up, or Iraq. I do not anticipate it is going to come up on Iraq, but certainly Iran.

Ms. WOOLSEY. And North Korea.

Mr. MURTHA. And North Korea, absolutely.

Ms. WOOLSEY. Mr. Chairman, I will withdraw my amendment and save everybody a lot of time. Is the chairman willing to talk with me on this, too?

Mr. LEWIS of California. If the gentlewoman will yield, I will be very happy to work with the gentlewoman. I appreciate her withdrawing her amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,107,941,000, to remain available for obligation until September 30, 2007, of which $320,600,000 shall be for the Army National Guard and Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,327,000,000, to remain available for obligation until September 30, 2007, of which $29,400,000 shall be for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,773,695,000, to remain available for obligation until September 30, 2007, of which $13,700,000 shall be for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,608,302,000, to remain available for obligation until September 30, 2007, of which $215,900,000 shall be for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,868,371,000, to remain available for obligation until September 30, 2007, of which $900,000,000 shall be for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,841,824,000, to remain available for obligation until September 30, 2007, of which $89,846,000 shall be for the Navy Reserve and Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,993,754,000, to remain available for obligation until September 30, 2007.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $885,340,000, to remain available for obligation until September 30, 2007, of which $27,130,000 shall be for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement program (AP), $626,084,000;

NSSN, $1,581,143,000;

NSSN (AP), $871,864,000;

SSGN, $469,226,000;

SSGN (AP), $48,000,000;

CVN Refueling Overhauls (AP), $333,061,000;

SSN Submarine Refueling Overhauls (AP), $19,368,000;

SSBN Submarine Refueling Overhauls, $262,229,000;

SSBN Submarine Refueling Overhauls (AP), $63,971,000;

DDG–51 Destroyer, $3,444,950,000;

DDG–51 Destroyer (AP), $125,000,000;

DDG–51 Modernization, $100,000,000;

LHD–8, $236,018,000;

LPD–17, $966,559,000;

LCU(X), $25,048,000;

Service Craft, $38,599,000;

LCAC Landing Craft Air Cushion SLEP, $90,490,000;

Prior year shipbuilding costs, $484,390,000; and

For outfitting, post delivery, conversions, and first destination transportation, $403,327,000.

In all: $10,189,327,000, to remain available for obligation until September 30, 2009: *Provided*, That additional obligations may be incurred after September 30, 2009, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the

funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,980,325,000, to remain available for obligation until September 30, 2007, of which $37,373,000 shall be for the Navy Reserve and Marine Corps Reserve: *Provided*, That funds available in this appropriation may be used for TRIDENT modifications associated with force protection and security requirements.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,462,703,000, to remain available for obligation until September 30, 2007, of which $55,608,000 shall be available for the Marine Corps Reserve.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,289,984,000, to remain available for obligation until September 30, 2007, of which $303,700,000 shall be available for the Air National Guard and Air Force Reserve: *Provided*, That amounts provided under this heading shall be used for the procurement of 15 C–17 aircraft: *Provided further*, That amounts provided under this heading shall be used for the advance procurement of not less than 15 C–17 aircraft: *Provided further*, That the Secretary of the Air Force shall fully fund the procurement of not less than 15 C–17 aircraft in fiscal year 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,425,013,000, to remain available for obligation until September 30, 2007.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,346,557,000, to remain available for obligation until September 30, 2007, of which $150,500,000 shall be for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $13,199,607,000, to remain available for obligation until September 30, 2007, of which $198,300,000 shall be for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,028,033,000, to remain available for obligation until September 30, 2007.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $27,015,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,220,123,000, to remain available for obligation until September 30, 2006: *Provided*, That of the amounts provided under this heading, $10,000,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A shall remain available until expended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,532,361,000, to remain available for obligation until September 30, 2006: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,033,622,000, to remain available for obligation until September 30, 2006.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 33, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today simply to applaud the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) for including the appropriation that was added in the supplemental portion of this bill to deal with the humanitarian crisis in the Darfur region of Sudan. By adding $70 million in disaster and famine relief and another $25 million for refugee aid, we are addressing the most immediate and urgent human rights and humanitarian disaster in the world today.

Mr. Chairman, the Janjaweed, a Sudanese Government-backed militia, is committing human rights atrocities on a massive scale in Darfur and the population there is in grave danger. Hundreds of villages have been razed, thousands of women have been raped and branded, and crops have been systematically destroyed. More than 1 million people have been forced to flee their homes and an estimated 30,000 people have been killed. According to the U.N., it will require $250 million to save the lives of the 2 million people that it estimates are now in acute need.

The Sudanese Government has a 15-year record of curbing genocidal activity only when it becomes the source of public condemnation and exposure. By approving these emergency funds today, the House sends a message to the Sudanese regime in Khartoum that it must stop the genocide in Darfur.

I again applaud the chairman and the ranking member for including this funding in this legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,851,271,000, to remain available for obligation until September 30, 2006.

AMENDMENT NO. 3 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BLUMENAUER:

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $5,000,000)(increased by $5,000,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Mr. BLUMENAUER. Mr. Chairman, what I am suggesting in this regard is to redirect a mere $5 million from the research account to be able to deal with the wide area assessment. This is one of the numerous studies. This was done by the Defense Science Board task force on unexploded ordnance. This is for the Department of Defense itself. They have been looking under the direction of the Office of the Under Secretary of Defense, what do you do with the 10 or 15 million acres? Remember a few minutes ago I talked about ''Larry the Lizard,'' the coloring book to try and tell children not to pick up exploded ordnance. There is a way that we can find out where the problems exist and what the unexploded ordnance report for the Defense Science Board concluded was having a wide area assessment.

What they recommended was to do $200 million a year. With $200 million a year over 5 years, we could assess 10 million acres. That would not tell us what type of ordnance is under the acres that are polluted, but what it would do would tell us areas that there is not ordnance. Their estimate is that by doing this simple billion dollars over 5 years, $200 million a year, we could open up 8 million acres that could be used safely. We would not have to be telling kids through Larry the Lizard. Or I have a great one here that tells people when they go to the park in the Jefferson proving area in Indiana that you have to sign a waiver to use the park because of exploded ordnance, and they tell you if you find unexploded ordnance on the trail, do not use your cell phone because it might detonate it, in our Nation's parks.

With all due respect, I would suggest that by starting with a simple assessment, not $200 million but merely $5 million, so my colleagues would actually see that it works, that we can have an opportunity to start eliminating, because $5 million, frankly, is a scandal in my judgment, out of over $400 billion, we can protect our children, we can protect our forest rangers, our firefighters and be able to do an assessment that would take it all.

Mr. Chairman, I would respectfully request the adoption of this amendment to have $5 million for the pilot study on the wide area assessment. But I hope that this minimal initial step is something that will encourage the House of Representatives to start taking this seriously and not consign Larry the Lizard to take care of our children or wait a quarter of a millennium or more to do what we should be doing today.

I urge the adoption of the amendment.

Mr. LEWIS of California. Mr. Chairman, first I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word. I am very empathetic to the gentleman's concern as expressed here. We have discussed it on many occasions between the two of us. The fact is that currently the DOD is spending some $200 million a year in this arena. There is $204 million already in the bill. It seems senseless to me to say withdraw $5 million from other accounts and pass it here. It seems to me that this is unnecessary; and because of that, I would oppose the amendment.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, the point I was trying to make earlier, with all due respect, is that the couple of hundred million dollars that we have here leaves the vast majority of sites with no expenditure whatsoever. Over 1,400, no expenditure. I just mentioned on the floor that we are having to suspend the work on the campus of American University and in Spring Valley because they are running out of money.

My question is, why should we be continuing to play this sort of shell game when for a reasonable expenditure of funds we could clear 8 million acres or more from having this signage and having this risk?

Mr. LEWIS of California. Mr. Chairman, I am very empathetic to the Member's expression of concern in this arena. There is report language in the bill that says the following that I would bring to his attention:

''The Defense Science Board and the General Accounting Office both express concerns with the efficiency of the Department of Defense plan for remediation of UXO, unexploded ordnance. Therefore, in the fiscal year 2005 DOD appropriations report, we have requested a comprehensive plan and cost estimates from the department on all identified sites by April 1, 2005.''

We are attempting, Mr. Chairman, to deal with this problem by dealing with the Department. We recognize that they are not as efficient as we might like.

Mr. BLUMENAUER. If the gentleman will yield further, I have four studies here now from 2001 that detail the deficiencies and inadequacies of the program. I am wondering what the gentleman expects to be accomplished by one more study that has not been already highlighted, documented and discussed with the gentleman and the committee over the course of the last 4 years?

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I would just say to the gentleman, we are trying to figure out exactly what he wants to do because no one has been more on the forefront of this particular issue than he has. We want to help him. We understand it. We know how serious it is. We have done this in a number of different places. If this will clear 8 million acres, we certainly want to help.

If the gentleman will withdraw his amendment, we will find a way to take care of his 8 million acres.

Mr. BLUMENAUER. The amount of money that is required according to the Defense Science Board to be able to do the 10 million acres which could free up an estimated 8 million is $200 million a year. The $5 million that I was talking about was a pilot study that would maybe demonstrate to people the effectiveness of it. It is not going to solve the problem at all, but it would move us in a direction so that maybe we could demonstrate to people the effectiveness and we could get to the point where we are spending serious money. My colleagues know what serious money is. They spend billions. They spend billions on things that are controversial even within defense experts. I am trying to get a little bit of money, serious money but small in the scheme of things, that would actually make a difference. I do not know if that is responsive.

Mr. MURTHA. I would hope we would be able to work this out. I do not know if we will add to the $204 million, but we certainly can take this $5 million if the gentleman thinks it is this important. He has been involved in this for so long. We will try to work it out. Otherwise, we go to a vote, and whether you win or not, I do not know; but the point is, we will try to work it out.

Mr. BLUMENAUER. I appreciate the gentleman's offer of help.

Mr. LEWIS of California. As we have discussed before, I am always willing to try to help the gentleman.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of

words, and I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, what I am trying to get at is to not be at the same place next year that we are now. Last year we were trying to get a little money for research, but we were trying to focus some attention so we would do more. Where I see the problem is that we are actually spending less than we did 2 years ago, that we have reasonable proposals from the Department of Defense for doing something about it, and now I am back here hearing that here is $5 million for a pilot project and we will have a study and come back next year.

Mr. MURTHA. Wait a minute. The gentleman says it is a little project. This is a project you are advocating. This is not a little project. It is a project you are advocating. It is $5 million.

Mr. BLUMENAUER. I wanted to explain what I hope to accomplish. My goal is to be in a situation where we can actually make some significant progress for expenditures to solve the problem, not to continue to study it or to do tests.

□ 1600

I appreciate the courtesy that has been offered by the Chair and ranking member to try to help out for 5 million. I am trying to respond to this question about what I am trying to achieve. I do not want to be back here next year and see the funding level going down, the cost going up, needs unmet, and people looking at me like it is hard to understand what I am trying to achieve. That is what I am trying to do.

Mr. MURTHA. We want to help.

Mr. BLUMENAUER. Mr. Chairman, I will seek to work with the committee, but my ironclad commitment is to help make sure that there is a way that we focus on the floor so we are not back here with another study and a pilot project, no increase in funding and a problem that continues to get worse year after year after year.

Mr. CASE. Mr. Chairman, I rise today in support of the amendments offered by my distinguished colleague, the gentleman from Oregon, Mr. BLUMENAUER, relative to unexploded ordnance. I completely agree with the underlying assertion of his amendments that our country is failing its obligation to clean up unexploded ordnance (UXO) throughout our states and in fact, throughout the world.

My own Hawai'i is a classic example. Our military has made extensive use of my state for military training and preparedness for at least a century, and we in Hawai'i accept that use as an obligation that we owe to our country.

However, according to the Department of Defense's FY2002 Defense Environmental Restoration Program Annual Report to Congress, today there remain throughout Hawai'i over fifty Department of Defense-registered locations that have not been cleaned up, presenting ongoing public safety risks. These include 10 separate sites at Lualualei Naval Magazine on the Waianae Coast, one ten acre site at the Pacific Missile Range Facility at Barking Sands on the island of Kaua'i, five sites at Marine Corps Base Hawai'i at Kaneohe Bay, four sites on the island of Lana'i, and many smaller locations throughout the state. I can only believe that there are a number of other states in the same situation.

Let me take the specific example of the military's past use of a large portion of the Island of Hawai'i in and around the current residential communities of Waimea and Waikoloa. During and after World War II, the United States military, primarily the Navy and Marine Corps, utilized an area of approximately 123,000 acres on the western side of the Island of Hawai'i as an artillery range, military training cap, and general military grounds. This former Waikoloa Maneuver/Nansay Combat Range lies in and around the Coast resort area, and remains littered with related debris including UXO. This UXO has already resulted in civilian deaths and injuries and represents a continuing threat to residents and visitors and renders large portions of the area effectively unusable.

In 1992, the United States Army Corps of Engineers determined that the site was eligible for the Defense Environmental Restoration Program for designation as a Formerly Used Defense Site (FUDS). In 2002, the Corps completed an engineering evaluation/cost analysis which designated the entire site for potential ordnance health and safety risk and estimated total cleanup at an excess of $600,000,000.

Of that amount, the Corps analysis estimated cleanup costs for the three highest areas of potential risk, in and immediately adjacent to existing and pending residential communities at $250,000,000. A comprehensive plan for utilization of such funds to those purposes requested by the Senate Armed Services Committee (SASC Report 107–151), completed, and submitted to the Secretary of the Army. Same amounts have been expended and other have been allocated in effectuation of that plan, but much less of the $250,000,000 estimate and far short then the estimated costs of total cleanup in excess of $600,000,000.

On April 12, 2004, I met with official from the United States Army Corps of Engineers on the Big Island of Hawai'i. At that meeting, I was given an update on the Corps of Engineers' ongoing efforts to clear high priority sites within the Waikoloa Maneuver Area. A small project now underway has begun to clear UXO around Waikoloa Village and Waimea Town—two relatively populated areas on the Big Island. This cleanup project is located in an area that was once used as a military training cap and artillery range.

Both on and off the record, I have heard many excuses about the reasons we cannot fund UXO: the war, the deficit, the President's tax cuts. But, these excuses and past Congressional and Executive mishandling of the UXO issue are no excuse for the country—for this Congress—to ignore a concept espoused by parents, coaches and camp counselors alike: Leave any place you visited cleaner than when you arrived. The Army Corps of Engineers is ready and willing to begin the process of cleanup; it is now up to all of us in Congress to appropriate the funds for this much-needed action.

Mr. Chairman, our military needs places where they can train fully to protect our country, but when they've completed their mission it's only right that they clean up and assure that those of us that come after them can use the land safely. These amendments offered by the gentleman from Oregon are an essential first step towards cleaning up the many communities which are littered with UXO. I urge their adoption by the House.

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Committee will rise informally to receive a message from the President.

The SPEAKER pro tempore (Mr. SIMPSON) assumed the Chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

The Committee resumed its sitting.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 33, line 19, after the dollar amount insert the following: ''(reduced by $10,000,000)''.

Page 35, lines 20 and 21, after the dollar amounts insert the following: ''(increased by $10,000,000)''.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to the chairman of the subcommittee, first of all, let me add my appreciation as well for the years of service that we can count on Members with his kind of commitment to do their very best, and we thank him very much. As usual as well, let me add my appreciation to the gentleman from Pennsylvania (Mr. MURTHA), who has not only been both committed and dedicated with his expertise but has been forthright in some of the very difficult times that we have faced over the last 2 years.

9/11 changed America. It changed the way we wage wars. It changed the way we dealt with conflicts. And as we have seen over the last 2 years, it seemed the number of service personnel that we have utilized in conflicts in Afghanistan and Iraq in particular. Over the last year, we have seen a number of statistics that frighten and concern us.

One, the question and debate about whether or not we need more personnel both in Afghanistan and Iraq, continuing debate about whether we should have a draft or continue in the volunteer army as we have, the continuing debate about Reservists and National Guard.

But one thing glares very loudly, and that is the high degree of suicides in the war of Iraq, the terrible tragedies that have occurred in some of our Reservists or returning soldiers who have come home.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we know she has been at the forefront of this issue. We know that so many service people have been affected by the fact they have been overseas, and then they come home, and in the bill last year we said when they come home, each person has to be counseled. We found that they have not been counseled. The gentlewoman from Connecticut (Ms. DELAURO) has some language, which the chairman accepted, in mental health and the same type of thing. What the gentlewoman is trying to do we agree with completely. If the gentlewoman will withdraw her amendment, we will do everything we can to make sure this gets done.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me thank him very much.

As I was saying, the number of suicides and the number of family incidences that have occurred by our Reservists and others indicate, Mr. Chairman, that this need for mental health services is very important. I would only say that representing a veterans hospital, I can assure him that the need for increased dollars there be to treat veterans is important. I would look forward then to working with him on the mental health resources. I appreciate the language that has been put on by the gentlewoman from Connecticut (Ms. DELAURO).

As a Chair of the Children's Caucus, let me say that we have dealt with mental health issues. What greater population is impacted than families? Women and children were impacted by this when returning. Soldiers come home, and might I say women, men, and children because, as we know, men and women come home from the conflict.

I would like to be able to withdraw this amendment with the understanding, of course, and working with the chairman on this idea that mental health is part of defense, mental health for our personnel is part of defense, and I hope that we will be able to work on adding new resources for that.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 33, line 19, insert after the dollar amount the following: ''(reduced by $10,000,000)''.

Page 129, line 7, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this issue speaks particularly to comments made earlier on the floor today, and I again add my appreciation to the chairman of the Defense Subcommittee of the Committee on Appropriations and as well the ranking member, and I add my appreciation to the Foreign Operations, Export Financing and Related Programs Subcommittee. All of them worked very hard on this issue, and that is of course the terrible tragedy that is going on in Darfur in Sudan. We do know that right now there are negotiations and a final peace treaty dealing with the western part of Sudan. There are negotiations and settlement going on in Kenya. But we also recognize those of us who are concerned on human rights and the needs of children around the world of the terrible tragedy and displacement of the black Muslims in the Sudan.

Four hundred thousand moving to Chad; some 30,000 a day dying. We appreciate the $95 million that has been placed in this defense bill, but let me add why I would like to add the extra $10 million.

We know that the Sudan is also where al Qaeda is both lodged and festering. We also know that Sudan is a country that has faced terrorism and has the elements of terrorists engaged or placed in their country. While we try to establish humanitarian needs, I think it is important that when we place humanitarian needs and resources there, we help fight the terrorists. I want to make sure that we have the necessary funds to the very penny to allow for the equipment to come in that is necessary for potable water, for the villages that have been pillaged and burned to be rebuilt, for the security forces to be there.

This is a crisis, and it is interesting to note that while we are settling one aspect, we are in the crises in the eastern part of Sudan. That is what these resources are for, and I would hope that my colleagues will look favorably on an additional increase of dollars that would take from the resources on the missile defense, which is extremely hard and large, to help quell terrorism by going into the homesite of al Qaeda and working with those who are trying to survive and trying to restore their lives.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we certainly appreciate what she is saying. We will take a look at it in conference, and I hope that the gentlewoman would withdraw this amendment, but we will certainly take a look at it.

I see exactly what she is talking about and we have that problem. Sometimes we put humanitarian aid, and we do not have the resources to get it to the people who really need it, and al Qaeda and the terrorists actually use the money to their benefit. So I appreciate what she is saying, and we will certainly take a look at this in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his response.

Reclaiming my time, as the chairman well knows, Sudan has been a hosting place for terrorists, but we are trying to help solve that problem in Darfur, and I want to make sure that we have all the resources we need.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we had quite a discussion in the full committee regarding this matter. The problem in Sudan is very real, and we are going to do everything we can to work with the gentlewoman. I appreciate not just her expressing her concern but helping us with this very serious difficulty.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank both the chairman and the ranking member for their comments.

I also want to make mention my greatest appreciation for the Foreign Operations, Export Financing and Related Programs Subcommittee and note that the Members that were already mentioned on the floor of the House have worked on this issue. I add my appreciation with that and being able to work with the conference committee, recognizing that all is not well in Sudan, all is not well with the government, and nothing is perfect, but that if we can be one small measure of fighting against terrorism but helping innocent people, we should do so. With that, and working with the conference committee and the ranking member and the chairman, I will withdraw this amendment.

Mr. Chairman, I rise today to introduce an amendment calling for an extra $10,000,000 in funds to be provided to the "International Disaster and Famine Assistance" Account. I request this increase for one simple reason, I feel we need more funds set aside for potential international catastrophes or famines. Although the current allocation of $70,000,000 is noble, I feel more can and should be done.

We as a nation are blessed with many gifts and attributes. We live in a safe and stable environment where freedom is cherished. We as Americans are immensely fortunate to live where we do. But we must not take for granted all the wonderful things provided for us. We must not forget that there are others in this world that are not as fortunate as we are. There are others in this world that do not live in a society of peace and security. We must be cognizant of those who are less fortunate.

I feel that we, as the most advanced nation in the world, have some sort of obligation to help those around us who have fallen on hard times. At certain times a nation or a region faces such disastrous circumstances that it is unable to provide its citizens the means to survive. In times such as this we have an absolute obligation to lend a helping hand and alleviate the pain and suffering of these peoples. And this is the very obligation that the "International Disaster and Famine Relief" account was set up to fulfill. And I repeat, I do praise this account.

Unfortunately, I feel the current allocation of funding might not be sufficient to accomplish our goal. I fear that if the current crises in Chad and Sudan do not improve, or worsen, the current level of funding might not be able to handle another large scale crisis development. We must increase funding for this account so that we are able to support the crises in Sudan, Chad, and other unforeseen events.

My amendment would pay for this increase by decreasing funds from the Research, Development, Test and Evaluation Defense-Wide account by the equal amount, offsetting all expenses. Opponents of my amendment will argue that I am tapping into our Military's vital Research and Development funds and weakening our future national defense and security. They will argue that we must make every effort to ensure that our military has the newest, most effective technology in the world. And I agree with them in principle.

We as a nation must ensure our survival, through diplomacy, through economic force, and if necessary through military might. But we must also prioritize our spending. My amendment will take $10,000,000 out of the account that funds research as the Star Wars program. It is in my opinion that our money is much better spent alleviating international disaster and famines than research a program such as Star Wars that shows almost no chance of success. We have a choice; help alleviate famine in the world or fund nonsensical research programs that will amount to no more than a waste of money. My amendment would help to ensure that we have plenty of resources to help alleviate international disaster and famines. Please support the Jackson-Lee amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $309,135,000, to remain available for obligation until September 30, 2006.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,174,210,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,186,626,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $17,959,186,000, of which $17,148,069,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2006; of which $364,635,000, to remain available for obligation until September 30, 2007, shall be for Procurement; and of which $446,482,000, to remain available for obligation until September 30, 2006, shall be for Research, development, test and evaluation: *Provided*, That notwithstanding any other provision of law, of the amount made available under this heading for Operation and maintenance, $11,000,000 shall remain available until expended, and shall be available only for deposit into the Army Fisher House Non-Appropriated Fund Instrumentality and shall be used in support and upkeep of existing Fisher Houses managed by the Army: *Provided further*, That notwithstanding any other provision of law, of the amount made available under this heading for Research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That Title VI of the Department of Defense Appropriations Act, 2004, in the appropriation for the Defense Health Program, is amended by adding before the period a comma and the following: "and of which not less than $4,250,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations".

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,371,990,000, of which $1,138,801,000 shall be for Operation and maintenance to remain available until September 30, 2006; $78,980,000 shall be for Procurement to remain available until September 30, 2007; $154,209,000 shall be for Research, development, test and evaluation to remain available until September 30, 2006; and no less than $137,404,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $44,631,000 shall be for activities on military installations and $92,773,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $876,697,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $193,562,000, of which $191,362,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $2,100,000, to remain available until September 30, 2007, shall be for Procurement; and of which $100,000, to remain available until September 30, 2006, shall be for Research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $239,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $309,644,000, of which $26,953,000 for the Advanced Research and Development Committee shall remain available until September 30, 2006: *Provided*, That of the funds appropriated under this heading, $46,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence

Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2007 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2006: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2005: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Lightweight 155mm Howitzer.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2005, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2006 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2006 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly

or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, shall not apply to a commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for subsequent fiscal years shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): *Provided further*, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Hereafter, notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than $24,822,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $21,722,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,300,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $800,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department from any source during fiscal year 2005 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2005, not more than 6,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Foreign Intelligence Program (NFIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2006 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2005. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8034. Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8035. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8036. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8038. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and

Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8039. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8040. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2006 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2006 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2006 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8041. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2006: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2006.

SEC. 8042. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8043. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8044. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8045. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8046. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8047. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8048. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Former Soviet Union Threat Reduction, 2003/2005'', $50,000,000;

''Aircraft Procurement, Navy, 2004/2006'', $2,900,000;

''Shipbuilding and Conversion, Navy, 2004/2008'', $10,300,000;

''Other Procurement, Navy, 2004/2006'', $5,200,000;

''Other Procurement, Air Force, 2004/2006'', $100,000,000;

''Procurement, Defense-Wide, 2004/2006'' $23,400,000;

''Research, Development, Test and Evaluation, Army, 2004/2005'', $42,650,000;

''Research, Development, Test and Evaluation, Navy, 2004/2005'', $20,000,000;

''Research, Development, Test and Evaluation, Air Force, 2004/2005'', $37,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2004/2005'', $108,300,000.

SEC. 8049. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8050. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8051. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8052. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands

and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8053. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2004 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8054. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8055. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8056. Appropriations available under the heading ''Operation and Maintenance, Defense-Wide'' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8057. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8058. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8059. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8060. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8061. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8062. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8063. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, for the current fiscal year and hereafter the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8064. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8065. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8066. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8067. Hereafter, funds appropriated for Operation and maintenance and for the Defense Health Program in this Act, and in future appropriations acts for the Department of Defense, for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8068. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8069. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8070. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8071. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8072. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8073. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8074. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8075. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8076. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8077. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8078. The Secretary of Defense shall provide a classified quarterly report, beginning December 15, 2004, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8079. During the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8080. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies,

with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8081. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8082. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API-T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8083. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8084. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8085. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8086. Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $60,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8087. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2005.

SEC. 8088. In addition to amounts provided elsewhere in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8089. Amounts appropriated in title II of this Act are hereby reduced by $300,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $66,700,000;

(2) From ''Operation and Maintenance, Navy'', $77,900,000;

(3) From ''Operation and Maintenance, Marine Corps'', $6,100,000; and

(4) From ''Operation and Maintenance, Air Force'', $149,300,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $87,290,000 shall be available for the Arrow missile defense program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8091. Notwithstanding any other provision of law, of the amounts provided in this Act and in Public Law 108–87 under the heading ''Research, Development, Test and Evaluation, Navy'', $1,500,000, and $500,000, respectively, shall be available for a grant (or grants) to the California Central Coast Research Partnership (C3RP) through the California Polytechnic State University Foundation, for costs related to Office of Naval Research agreements: *Provided,* That the Secretary of the Navy shall make said grant (or grants) within 90 days of the enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8092. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $484,390,000 shall be available until September 30, 2005, to fund prior year shipbuilding cost increases: *Provided,* That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amount specified: *Provided further,* That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/05'':

LPD–17 Amphibious Transport Dock Ship Program, $55,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/05'':

New SSN, $10,000,000;

LPD–17 Amphibious Transport Dock Ship Program, $38,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/05'':

DDG–51 Destroyer Program, $44,963,000;

LPD–17 Amphibious Transport Dock Ship Program, $171,681,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/05'':

DDG–51 Destroyer Program, $83,316,000;

New SSN, $67,330,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2002/05'':

LCAC SLEP, $2,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2003/05'':

LCAC SLEP, $11,900,000:

Provided further, That Section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1410; 10 U.S.C. 7291 note) is repealed.

SEC. 8093. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8094. Notwithstanding any other provision of law or regulation, the Secretary of Defense may hereafter exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8095. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 8096. The total amount appropriated in title IV of this Act is hereby reduced by $270,000,000 to reduce cost growth in information technology development and modernization, to be derived as follows:

(1) From ''Research, Development, Test and Evaluation, Army'', $60,000,000;

(2) From ''Research, Development, Test and Evaluation, Navy'', $29,000,000;

(3) From ''Research, Development, Test and Evaluation, Air Force'', $72,000,000; and

(4) From ''Research, Development, Test and Evaluation, Defense-Wide'', $109,000,000.

SEC. 8097. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8098. The amounts appropriated in title II of this Act are hereby reduced by $316,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Navy'', $150,000,000.

(2) From ''Operation and Maintenance, Air Force'', $166,000,000.

SEC. 8099. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $6,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8100. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: *Provided*, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer that seven (7) Stryker Brigade Combat Teams to be fielded no later than fiscal year 2009.

SEC. 8101. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $6,600,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2005: *Provided*, That the Secretary of Defense shall make grants in the amount of $2,100,000 to the Intrepid Sea-Air-Space Foundation; $2,500,000 to the Presidio Trust only for renovations of the parade field; and $2,000,000 to the Fort Ticonderoga Association.

SEC. 8102. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Account'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8103. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8104. The budget of the President for fiscal year 2006 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8105. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8106. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8107. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8108. (a) LAND CONVEYANCES, NORTON AIR FORCE BASE, CALIFORNIA.—(1) FOREST SERVICE CONVEYANCE.—Subject to paragraph (2), the Secretary of Agriculture shall convey to the Inland Valley Development Agency all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3.74 acres designated as parcel D–1 (including the former Air Force S–2 Headquarters Building) on the former Norton Air Force Base, California.

(2) As consideration for the transfer under paragraph (1), the Inland Valley Development Agency shall execute a long-term ground lease with the Secretary of Agriculture, upon terms acceptable to the Federal Aviation Administration, to provide the United States Forest Service with a replacement parcel of land of approximately 7.5 acres at the San Bernardino International Airport adjacent to current facilities of the Forest Service to be used for aeronautical purposes in furtherance of wildfire prevention and containment.

(b) AIR FORCE CONVEYANCE.—(1) Subject to paragraph (2), the Secretary of the Air Force shall convey to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located on or adjacent to the former Norton Air Force Base, California, that as of the date of the enactment of this Act have been determined through a record of decision to be eligible to be transferred to, or held in trust for, the San Manuel Band of Mission Indians.

(2) The Secretary of the Air Force shall make a conveyance under paragraph (1) with respect to any parcel of real property to which that paragraph applies only upon delivery to the Secretary of an instrument executed by the San Manuel Band of Mission Indians that releases and extinguishes any real property interest of the San Manuel Band of Mission Indians in that parcel of real property.

SEC. 8109. (a) The total amount appropriated or otherwise made available in titles III and IV of this Act is hereby reduced by $345,000,000 to reflect savings from revised economic assumptions, to be distributed as follows:

''Title III'', $189,000,000; and

''Title IV'', $156,000,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each program, project, and activity within each applicable appropriation account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. (a) The amount appropriated in title II for ''Operation and Maintenance, Air Force'' is hereby reduced by $967,200,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $967,200,000 from the Department of Defense Transportation Working Capital Fund to ''Operation and Maintenance, Air Force'' to offset the reduction made by subsection (a). The transfer required by this subsection is in addition to any other transfer authority provided to the Department of Defense.

SEC. 8111. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order 12333.

SEC. 8112. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 10 U.S.C. 2784 note), shall remain in effect for fiscal year 2005.

SEC. 8113. Amounts appropriated in this Act may be used by the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles under section 1343 of title 31, United States Code, or any other provision of law: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 8114. Of the amount appropriated under the heading ''Operation and Maintenance, Marine Corps'' for the Marine Corps Air-Ground Task Force Training Center, Twenty Nine Palms, California, $4,500,000 shall be available to the Secretary of the Navy to enter into a contract, notwithstanding any other provision of law, for the widening of Adobe Road, which is used by members of the Marine Corps stationed at the installation and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8115. In addition to amounts appropriated or otherwise made available in this Act, there is hereby appropriated $3,000,000, for ''Operation and Maintenance, Marine Corps'': *Provided*, That the Secretary of the Navy shall make a grant in that amount to the ''Hi-Desert Memorial Health Care District'', Joshua Tree, California, for the purposes of providing a capability for non-invasive assessment, diagnostic testing and treatment in support of service personnel and their families stationed at the Marine Corps Air-Ground Task Force Training Center.

SEC. 8116. (a) LAND CONVEYANCE, ARMY RESERVE TRAINING CENTER, WOOSTER, OHIO.—The Secretary of the Army may convey, without consideration, to the City of Wooster, Ohio, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1676 Portage Road, Wooster, Ohio, and contains a former Army Reserve Training Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City of Wooster, Ohio.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8117. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under Section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8118. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committee on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8119. The amounts appropriated in title II of this Act are hereby reduced by $100,000,000 to reflect savings attributable to the offsetting of payments to contractors for the collection, pursuant to law, of unpaid taxes owed to the United States, as follows:

(1) From ''Operation and Maintenance, Army'', $22,000,000.

(2) From ''Operation and Maintenance, Navy'', $26,000,000.

(3) From ''Operation and Maintenance, Marine Corps'', $2,000,000.

(4) From ''Operation and Maintenance, Air Force'', $50,000,000.

SEC. 8120. The total amount appropriated in title IV is hereby reduced by $685,000,000 to decrease amounts budgeted in anticipation of the application of non-statutory funding set asides: *Provided*, That this reduction shall be allocated proportionately to each budgeted program, program element, project, and activity: *Provided further*, That funds made available for programs of the National Foreign Intelligence Program (NFIP) are exempt from the application of this provision.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. TANKER REPLACEMENT TRANSFER FUND.—In addition to funds made available elsewhere in this Act, there is hereby appropriated $100,000,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section), which is hereby established in the Treasury: *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a KC–767 tanker acquisition program: *Provided further*, That these funds may be made available to implement the provisions of section 117 of the House-passed version of H.R. 4200 (108th Congress), the National Defense Authorization Act for Fiscal Year 2005: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8122. None of the funds appropriated or otherwise made available by this Act may be used to amend or cancel, or implement any amendment or cancellation of, Department of Defense Directive 1344.7, ''Personal Commercial Solicitation on DoD Installations'', until after the end of the one-year period beginning on the date on which the report containing the results of the investigation regarding insurance premium allotment processing, which is underway as of the date of the enactment of this Act, is submitted to the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code), the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 115, line 17 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to that section of the bill?

AMENDMENTS OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer a managers' amendment, and I ask unanimous consent it be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. LEWIS of California:

On page 115, insert the following new section at the end of title VIII:

''SEC. ____. The Secretary of Defense shall provide a report to the congressional defense committees not later than July 30, 2004, that addresses how the Department of Defense (DoD) is improving the dud rate of cluster munitions to meet existing DoD policies.

This report shall address: (1) the types and quantities of munitions systems that employ cluster munitions presently in DoD's inventory that do and do not meet the 1-percent dud rate policy; (2) DoD efforts to ensure the development of cluster munitions that meet the 1-percent dud rate policy, including a list of programs funded in fiscal year 2005; and (3) a schedule describing the DoD cluster munitions inventory profile from the present until the time this inventory will meet the 1-percent dud rate policy.''

On page 118, line 3, strike the comma after ''*Provided*'' and insert a comma after ''*further*''.

On page 122, line 10, add a comma after the word ''*further*''.

On page 134, line 4, insert before ''not less'' the following:

'', the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate''.

On page 138, insert the following two new sections at the end of title IX:

''SEC. ____. From within funds made available in chapter 1 of this title, the Secretary of Defense shall use such funds as necessary to provide to Congress, not later than 4 months after the date of the enactment of this Act, a list of all contracts entered into by the Department of Defense for the provision of security, translation, and interrogation services in Iraq, Afghanistan, or Guantanamo Bay, and the amount of each such contract.

SEC. ____. None of the funds made available in chapter 1 of this title 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)).''

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the amendments being considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, we have no problem with the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. LEWIS).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IX—ADDITIONAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,552,200,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $232,200,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $273,200,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $874,400,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,698,400,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided, further* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $303,000,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,295,000,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $744,000,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $295,000,000: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $2,978,000,000, to remain available for transfer until September 30, 2006, for the purposes authorized under this heading in Public Law 108–11: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: *Provided further*, That of the amounts provided under this heading, not less than $1,978,000,000 shall be for classified programs, which shall be in addition to amounts provided for elsewhere in this title, and under this heading: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount

is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $42,800,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $201,900,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $330,000,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,151,400,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $34,000,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $112,800,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $111,400,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $35,300,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $80,000,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $100,000,000, to remain available until September 30, 2007: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,250,000,000: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $305,000,000 for Operation and maintenance: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'' for costs associated with United States Mission operations, technological support, logistical support, and necessary security costs in Iraq, $665,300,000, to remain available until expended: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for interim facilities for the United States Mission in Iraq, $20,000,000, to remain available until expended: *Provided,* That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $70,000,000, to remain available until September 30, 2005: *Provided,* That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided*

further, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress).

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $25,000,000, to remain available until September 30, 2005: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress).

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2005, unless otherwise so provided in this title: *Provided*, That notwithstanding any other provision of law or of this Act, funds in this title are available for obligation, and authorities in this title shall apply, upon enactment of this Act.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. (a) Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

(b) Section 8005 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1071), is amended—

(1) by striking ''$2,100,000,000'' and inserting in lieu thereof ''$3,000,000,000''; and

(2) by striking all after the third proviso and inserting the following: '': *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.''.

(c) Section 168(a) of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 456), is repealed upon enactment of this Act.

(d)(1) If the enactment of this title occurs during fiscal year 2004, the amounts made available by the transfer of funds in or pursuant to this section are designated as emergency requirements pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress).

(2) If the enactment of this title occurs during fiscal year 2005, such amounts are designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 9006. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2005.

SEC. 9007. From October 1, 2004, through September 30, 2005, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

SEC. 9008. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip, and provide related assistance to military or security forces in Iraq and Afghanistan, to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section.

SEC. 9009. From funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $300,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 9010. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7532(b)) is amended by striking ''$450,000,000'' and inserting in lieu thereof ''$650,000,000''.

SEC. 9011. Funds available to the Department of Defense for operation and maintenance in this title may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9012. (a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

(b) Each report shall include the following information:

(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

(2) An assessment of the progress made toward preventing attacks on United States personnel.

(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12304 of title 10, United States Code.

(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12304 of title 10, United States Code, the following information:

(A) The unit.

(B) The projected date of return of the unit to its home station.

(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.

SEC. 9013. Authorities contained in sections 402, 407, and 605 of division B of Public Law 108–199 shall also apply to amounts provided in this title for the Department of State.

SEC. 9014. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9015. The President shall provide to the Congress a report detailing the estimated costs over the period from fiscal year 2006 to 2011 of Operation Iraqi Freedom and Operation Enduring Freedom, or any related military operations in and around Iraq and Afghanistan, and the estimated costs of reconstruction, internal security, and related economic support to Iraq and Afghanistan: *Provided*, That the President may waive the requirement to submit this report only if the President certifies in writing to the Congress that estimates of these future military and economic support costs cannot be provided for purposes of national security: *Provided further*, That the report referenced above shall be submitted no later than October 1, 2004.

SEC. 9016. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) The United States Government shall take all steps necessary to guarantee the full faith and credit of the Government.''

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through Page 138, Line 11 be considered as read, printed in the

RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

Mr. INSLEE. Mr. Chairman, this amendment addresses the clear American values of making sure that the 700,000 men and women who are so ably performing their duties today as part of our war against terrorism as civilian employees at the Department of Defense retain their American rights of collective bargaining, their American rights of due process, their American rights of an appeal if they have been abused on the job, their American rights to be treated based on merit in the performance of their jobs rather than on politics and patronage.

□ 1615

Our amendment, quite simply, assures that no money will be spent in this bill to deprive them of those statutorily guaranteed rights that we have built up on a bipartisan basis over the last several decades. This will assure that that scaffolding that provides those 700,000 Americans with that protection will not be stripped away.

Why is this important? This issue became paramount to me when I welcomed the USS Vincent back from the Afghan theater. The gentleman from Washington (Mr. DICKS) and I helicoptered out to it, it was quite an experience as she came back in the Straits of Juan de Fuca, and we talked to the sailors on board.

The sailors told us they had launched and recovered I think over 10,000 sorties and had not lost a pilot, and that the reason they had done that had been because of the exquisitely professional performance of a lot of people who are of those 700,000 civilian employees of the Department of Defense, and particularly those of the Puget Sound Naval Shipyard. The sailors, the people who were out in harm's way within firing range, told me not to forget the people who were on the defense team in the civilian sector of the Department of Defense.

Unfortunately, unless this amendment passes, those 700,000 patriots stand in the fire line of losing their collective bargaining rights, losing their right to an appeal, losing their right to due process and losing their right to have their performance judged on their merit.

This happened because, unfortunately, during our rush to get the defense authorization bill through, there was a provision in good faith that was inserted that gave largely unfettered discretion to the Department of Defense to go forth and create a new personnel system.

We are always open to reform and new ideas, but, unfortunately, what has transpired at the first cut by the Department of Defense, they have proposed plans that would essentially gut the real basic, fundamental right to collective bargaining in our system, a collective bargaining system that actually has been successful in maintaining the morale of these 700,000 patriots who are instrumental in our defense efforts today.

What we have seen are proposals to essentially gut that by allowing the Department of Defense to unilaterally sort of jam down the throats of those 700,000 people whatever they decide to do without collaboration and without collective bargaining. That would be a mistake. It would be a mistake in not recognizing the American value of collective bargaining, and it would be a mistake to damage the morale of this workforce, and we are urging my colleagues not to allow that.

Secondly, we do not want to allow what I consider to be a real civil right, and that is a right that when you are on the job working for the DOD, if you are going to be sanctioned, if you are going to be fired, if you are going to be sent down to the bilge as punishment, you ought to have some basic due process rights. You ought to have it in writing what you did wrong, you ought to have a right to a written decision on your appeal, even you ought to have a right to have an appeal, if I dare say, where you have a lawyer present when your job is on the line.

Those civil rights are in jeopardy if we do not pass this amendment, and the 700,000 people who care about that know those rights are in jeopardy.

We have already developed a very successful appeals system to handle this issue. Why should we go forth and create a whole new system to be a duplication of our existing system? It is not necessary.

I would like to answer four kind of suggestions why this amendment is necessary. Some of my colleagues have suggested this is not a good idea. They have had four critiques. I would like to answer those during this debate.

First, it has been suggested that the 700,000 employees that are going to be protected by my amendment do not want to be protected by my amendment. Not a well-put argument, when virtually every union that is elected by these employees wholeheartedly supports my amendment, the Association of Government Employees, the Federation of Teachers.

By the way, teachers, it was said they are sort of un-American, they cannot form a union unless my amendment passes. That does not make any sense at all. Teachers ought to be able to form unions. So the employees think this is a good idea.

Second, this will allow consideration of alternatives; it simply will not allow the pulling of the trigger. DOD will be able to aim, they will be able to load up, but they will not be able to pull the trigger on this until we look at this issue.

The CHAIRMAN. The time of the gentleman from Washington (Mr. INSLEE) has expired.

(By unanimous consent, Mr. INSLEE was allowed to proceed for 2 additional minutes.)

Mr. INSLEE. Mr. Chairman, my point I want to make is this does not stop DOD in their tracks from at least thinking about this issue. They will be allowed to consider this issue, but they will not be able to actually pull the trigger to waive these collective bargaining rights, to waive these appeal rights, to waive these due process rights.

Third: One friend on the other side of the aisle suggested that this amendment is a bad idea, because now we are in the age of faxes and computers and this is a new day and age, so we should give unfettered discretion to the Department of Defense to have a new personnel system without statutory rules.

Well, we can use faxes and computers and e-mail and answering machines, but we need to have a system of law to govern what due process rights the Congress has a role in deciding. These are rights that belong to individuals that are held very dearly by our employees, and we can use computers and faxes, but we need to do in a method that is rules-based.

We got into a little trouble, we got into a little trouble when the Department of Defense decided they could sort of ignore this rules-based Geneva treaty system, because they thought they should just have unilateral discretion in deciding how to handle some of these issues. That was kind of a sort of suggestion that we need rules.

Now, I am not suggesting our employees are going to be tortured, thank goodness that is not going to be the case, but we do need a rules-based employment system, and we cannot allow unilateral decision making by the Department of Defense.

The fourth issue I want to make, this is not going to stop reform. We need to work on it in Congress. I think we have seen the whites of the eyes that this has been a very, very controversial issue that has inflamed the 700,000 people that we need to build morale on.

Mr. LEWIS of California. Mr. Chairman, it is with great reluctance that I rise in opposition to this amendment.

Mr. Chairman, what the gentleman is discussing here is an important policy question which was discussed thoroughly in the authorizing committee last year. The policy was established. If the gentleman had a problem with that

policy development, I regret he did not come to talk with us either at our markup process in the subcommittee or beyond that.

But it is clear to anybody who would look at the personnel difficulties within this huge department, the Department of Defense, there are needs for reform and change within this great arena. The authorizing committee did address that question.

The gentleman from Washington (Mr. INSLEE) suggests he does not stop the Department in its tracks, he just stops the money from flowing, which is somewhere close to my track, at any rate.

It seems to me that without the ability to change labor management relations within the Department, the Department will be faced with negotiating all personnel policies with over 1,366 unions, and change is not going to take place under those circumstances.

A new adverse action and appeals system would allow the Department to take more prompt action on employees who are not performing on their jobs or facing disciplinary action based on misconduct. The current appeals system is lengthy and demands an overburden of proof before management can take action. The new system that the authorizing committee has gone forward with would establish a new process, while maintaining employee rights to fair consideration.

The bottom line is that DOD should oppose this amendment, and we oppose it as well.

Mr. Chairman, I appreciate looking forward to working with the gentleman, but I wish we had had a chance to do so before today.

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am proud to join the gentleman from Washington (Mr. INSLEE) in offering this amendment. As we have heard, last year, tucked into the 2004 defense authorization bill was a provision that gave the Bush administration, and any other future administration, Republican or Democrat, a virtually blank check to rewrite the rules and protections that govern 700,000 civil servants in the Department of Defense. What that provision did was strip Pentagon civilians of the statutory protections we have had on a bipartisan basis for decades.

We in this Congress, we in this House, have an obligation to ensure that those civilian employees of the Defense Department are treated fairly and treated with respect, and we should not surrender that authority and those obligations to any administration, Republican or Democrat. Yet that is what we did last year in the authorization bill.

While the Committee on Armed Services may have considered this issue, the fact of the matter is the full House has never had an opportunity to consider this issue, because the Committee on Rules did not make in order an amendment on exactly this question. So we did not have an opportunity to debate this last year in the House. This is the first time we now have an opportunity to address this issue straight on.

The testimony we have heard from the administration officials over the years, Republican and Democrat, has been clear, that our national security depends on a strong partnership between the military part of the Pentagon and the civilian civil servants. Taking away the basic protections that our civil servants enjoy with the Department of Defense would damage that partnership, it would hurt morale, and it sends a terrible message to the many men and women who we entrust with important national security work.

Why should we give the executive branch the authority to eliminate rules that protect employees from discrimination based on political affiliation? Do we not want people to exercise independent political judgment and not fear political repercussions? Why should we give the Executive Branch the authority to rewrite and eliminate rules of due process that protect employees in certain situations? Why should we give the executive branch the authority to eliminate the requirement that DOD bargain in good faith with their employees?

Now, last year, many in the administration said, ''don't worry, we are not going to take advantage of those authorities. Trust us. We will not go that far.''

Well, in February we saw the first write of the rules, and the fact of the matter is on both sides of the aisle, many people said, wait a minute. When we signed up for this, we did not think you were going to exercise your authority in this way in terms of taking away certain good faith bargaining rights.

So that is what this amendment is about. As my colleague from Washington said, this does not throw out all the authorities. What we are saying is let us take a year, let us take a time out, and let us adopt the adage that many have shown is good advice, ''trust, but verify.'' Why should we provide a blank check?

Let us give the administration an opportunity now to come before the Congress to show us exactly what rules they want, and we can have an opportunity to take a look at them, rather than giving them a blank check in advance and then being totally at their mercy as to what they put in effect.

So this is a common sense provision. I believe it is a bipartisan decision. Let us let the administration tell us what they plan to do, and, if we think it makes sense, we can move forward on it at that time.

Trust, but verify.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Inslee-Van Hollen amendment. Last year, Congress gave the Department of Defense the authority to design a new civilian personnel system for its employees as part of the defense authorization bill. I opposed that part of the bill because it included a blanket waiver for the new system from all of the worker protections which Congress has wisely enacted through the years. Unfortunately, the House was denied a chance to vote directly on these changes in 2004, I must assume because of fear about how the vote would turn out.

Now the Department of Defense is designing the new system, and the initial proposal published by the Department this spring, as mentioned by others, has confirmed every fear voiced by members of the House, such as myself and the gentleman from Washington (Mr. INSLEE) and the gentleman from Maryland (Mr. VAN HOLLEN) about the new system. The initial proposal produced by the Department would have trampled worker rights in a wanton and deliberate fashion.

More recently, Navy Secretary Gordon England has been assigned to work this issue for DOD, and he has pledged to work with DOD unions and employee organizations to design a fairer system. I am strongly encouraged by his involvement, but I also believe that DOD must design a new system which is consistent with strong worker protections. This guarantee is all that the Inslee-Van Hollen amendment would add to the bill before us today.

Furthermore, there is an important monetary reason for supporting this amendment which is appropriate on the bill which deals with the defense budget. DOD has proposed creating within the Department of Defense two massive new bureaucracies which would duplicate the work of the existing Federal labor relations authority and the Merit System Protection Board. I believe that it would be irresponsible in the extreme for this committee to divert funding from badly needed warfighting priorities just so that the Department of Defense can duplicate the functions of independent government agencies under the control of the Secretary of Defense.

This harms national security at the same time that it undermines worker rights.

For all these reasons, Mr. Chairman, I ask that my colleagues support the Inslee-Van Hollen amendment and put the new personnel system at DOD back on the right track.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Maryland, the distinguished Democratic whip.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding. Rather than prolong the debate, I want to adapt that which has been put forward by the gentleman from Washington (Mr. INSLEE) and the gentleman from Maryland (Mr. VAN HOLLEN) in sponsoring this, and adopt the gentleman's remarks as well, and simply say that I think the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Washington (Mr. INSLEE) and the gentleman

from Washington (Mr. DICKS) have put their finger on it.

□ 1630

We abrogated essentially laws, statutes passed by the Congress, signed by the Presidents of the United States, without reviewing the changes that would be put before us and would impact on our Federal employees. That is all I think the sponsors are asking for the opportunity to do, and I would hope that the Members on both sides of the aisle would adopt this amendment, proceed in that fashion over the next year, and have the opportunity to review the changes that are suggested.

I thank the gentleman from Washington State, who has been a giant on behalf of Federal employees during our careers here, and I thank him for yielding.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding. I have not had a chance to talk to the gentleman from Pennsylvania (Mr. MURTHA) about this, but I believe that the gentleman from Washington State is still a member of the subcommittee; is he not?

Mr. DICKS. Yes, I am.

Mr. LEWIS of California. Well, I really look forward to discussing this with the gentleman personally before we come to the floor.

Mr. DICKS. Mr. Chairman, reclaiming my time, we did have a proposal in our written document that went to the chairman that laid out a proposal, a different approach to this; and it would have just protected the public shipyards, both on the east coast, the west coast, and Hawaii.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield further, I do very much appreciate the opportunity to discuss these matters with my colleague, sometimes privately, sometimes publicly.

Mr. DICKS. And I appreciate the gentleman's willingness to discuss this issue. I know of his concern for government workers, because he has many in his own district; and I know that he will treat them as fairly as he has always treated me.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I have to oppose this amendment. It has just come up at the last minute. As technical as it is, and the gentleman talked to me about it and I looked at it, and all of us are trying to do the same thing: make sure that we do some reform, but that we do not go too far. I think Gordon England is the right one to look at this thing. I know the Defense Department is very nervous about the direction they were going at first, and I am afraid this bill will be vetoed if it has this language in it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I just mention this to my friend from Pennsylvania, that the Steel Workers Union of America is strongly in favor of this legislation. They want to see workers protected.

Mr. MURTHA. Mr. Chairman, if the gentleman will further yield, I do not doubt they are, and I appreciate their recommendation; but this is the wrong approach to it. It just goes a little too far. I think we need to work on this kind of thing together. And at the last minute, it just makes it hard for us to accept something like this. So I would hope we defeat this amendment and try to work something out later on.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 30 additional seconds.)

Mr. DICKS. Mr. Chairman, I would just point out one other thing to my distinguished chairman. I had no idea that this amendment would be offered on the floor; but once it was, I felt compelled to speak on behalf of it.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Inslee-Van Hollen amendment, and I do so because the basic rights and freedoms that we are attempting to guarantee for these civilian labor forces in DOD are those rights for which our military has fought and continues to fight.

The real reason that we are involved in Iraq and in other places throughout the world is to guarantee rights and freedoms for individuals. We simply want to guarantee those same rights and freedoms for our workforce.

I was heartened to hear the gentleman from California (Mr. LEWIS) suggest that perhaps there is a window of opportunity for continuous discussion, for continuous interaction. I was pleased to hear the ranking member suggest that this is the last minute; and, hopefully, we can have continuous discussions over an extended period of time to make sure that we can guarantee for our civilian workforce those rights and privileges for which our military fights throughout the world.

So I support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. STRICKLAND

Mr. STRICKLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRICKLAND:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated or otherwise made available by this Act may be used for any plan for compensation of individuals held in military prisons under the control of the United States in Iraq unless the plan includes a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the Persian Gulf War in 1991.

Mr. STRICKLAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. STRICKLAND. Mr. Chairman, I thank the gentleman for reserving a point of order.

Mr. Chairman, I intend to withdraw this amendment; but, first of all, I would like to take some moments to speak about it, because I think it is an issue that needs to be brought to the attention of this body.

We all know that during the 1991 Gulf War, Iraq savagely tortured American POWs by inflicting beatings, starvation, electric shock, whippings, mock executions, threatened castration, broken bones, and burst eardrums. These actions were condemned by this Congress on three different resolutions.

In April of 2002, these ex-POWs filed suit against the Iraqi regime under the law that this Congress had passed that allowed torture victims to file suit against terrorist states. If successful in court, these victims are then ensured access to the blocked assets of that terrorist state to obtain payment.

Through their suit, the POWs sought to raise public awareness about POWs, to hold Saddam Hussein and his regime accountable, and to deter the torture of American servicemen and -women in the future, and to obtain compensation for their injuries.

Last year, a Federal judge ruled in favor of the 17 POWs that filed suit. However, the Bush administration has stood in the way of these POWs getting the payments awarded them by claiming that the compensation would hamper the reconstruction of Iraq. The administration even appealed the judgment and spent tax dollars fighting the American POWs in court. Sadly, the administration was recently successful in overturning the judgment that allowed the compensation of these ex-POWs.

Now, at the same time the administration was opposing these American POWs in court, Secretary Rumsfeld testified before the Senate Committee on Armed Services saying, ''I am seeking a way to provide appropriate compensation'' to the Iraqi detainees at Abu Ghraib prison.

So while compensating Iraqi prisoners may be the right thing to do, we should not do this at the very same time that we are refusing to work with the 17 American POWs who won compensation under a law that many of us voted for.

A newspaper back in Ohio read like this: ''It was the United States of America and Saddam Hussein versus American POWs, and the United States and Saddam Hussein won.''

My amendment, if it was not objected to, would prohibit the Department of Defense from providing compensation to the Iraqi detainees abused at Abu Ghraib until that compensation plan also addressed the injuries suffered by the 17 Americans held as prisoners of war under the regime of Saddam Hussein during the first Gulf War.

Now, over on the Senate side, over on the Senate side they passed by unanimous consent as a part of the Defense authorization bill language identical to the language I have in this amendment. It was offered by Senator REID, and it was co-sponsored by Senator WARNER and Senator LEVIN.

So, Mr. Chairman, although I am withdrawing this amendment due to the objection, I would hope that this body would recognize the injustice. How can we justify providing compensation to Iraqi POWs and fight the compensation for American POWs who were abused in the same way at the very same prison?

So I look forward to working with my colleagues in the days and weeks to come. I intend to find some vehicle, some mechanism to make sure that this injustice is corrected.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we all know, and certainly the subcommittee is aware very strongly, the B–1 bomber is an integral part of our bomber fleet. The long-range strike capability of our national defense is enhanced by the superior payload capability, speed, and accuracy of this aircraft.

The Defense authorization and appropriation committees and my good friends, the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Missouri (Mr. SKELTON), the gentleman from California. (Mr. HUNTER), and the gentleman from California (Chairman Lewis), have recognized the importance of the B–1 to the Air Force. It performed admirably in Afghanistan and Iraq.

I rise today to discuss provisions in the Defense appropriations and authorization bills that address the reinstatement of B–1s to the fleet. As a strong supporter of the B–1 and having been closely associated with this issue since 1985 when the first B–1 was assigned to Dyess Air Force Base, my support is, and always has been, a commonsense approach that advocates the best for the Air Force.

The B–1 fleet was recently reduced to its current size of 60 aircraft, with assurances that upgrades will be made to the fleet to increase mission capability rates, defensive systems, and lethality. I supported the Air Force decision in its plan to keep fewer, but top-quality, mission-capable B–1s.

The Defense Authorization Act included a provision for $105 million to regenerate an additional 10 B–1s above the Air Force recommendation to reinstate seven. The Subcommittee on Defense Appropriations brings to the floor today a recommendation which follows the Air Force's recommendation to regenerate seven aircraft, and also follows the Air Force confirmation that additional funding is not needed beyond the $17 million appropriated for this purpose in fiscal year 2004.

My concern about the funding for regenerated B–1s is the fact that $17 million may not be enough for the seven aircraft that initially cost $283 million each. Again, I strongly support the B–1, but also strongly support full funding for the entire fleet. If we are going to add seven planes, I would like assurances from the chairman and ranking member today that they do believe that the Air Force is correct that $17 million is sufficient funding to keep 67 planes in the air, flying, with the mission that I know that they support.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we understand my colleague's concern, and we can tell the gentleman that we believe that there is adequate funding.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we will make sure there is enough money to take care of those airplanes.

Mr. STENHOLM. Mr. Chairman, I appreciate that. I hope that the chairman and ranking member understand the concern here.

As I said before, I have always followed the recommendations of the Air Force. We have some concerns, we are standing down the 13th bomb squadron today at Dyess at the same time we got agreement that the fleet will receive seven extra planes. That takes operational money. That takes manpower. There are some recommendations that are going forward that caused this concern, but I do appreciate the reassurances of the chairman and the ranking member, and we look forward to working with my colleagues to see that the full 67 plane force is, in fact, fully funded and operational to do the job that they have been called on to do in Iraq and Afghanistan and, hopefully, if called upon again, will be able to do as good or a better job.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the courtesies extended to me by the gentleman from California (Mr. LEWIS), the chairman.

I rise to discuss an amendment that under appropriate circumstances, if the rules allowed, I would offer today concerning the health care services that are being provided to our service men and women.

□ 1645

In 1997 this Congress passed legislation requiring the Department of Defense to conduct predeployment and post-deployment physicals for our servicemen and women, and as a member of the House Committee on Veterans' Affairs and one who chaired the Committee on Veterans' Affairs Subcommittee on Health for a number of years, we looked at this issue, and my goal in examining what was going on or not going on was based on a concern that we did not want our servicemen and women to return to the United States after deployment and incur Persian Gulf War syndrome.

And one of the things we learned from the Persian Gulf War syndrome studies was that we needed a baseline to know what our servicemen and women encountered, what their health condition was before they departed for their deployment and what their physical condition was when they returned.

In 1997, Congress passed legislation requiring the Department of Defense to conduct physical examinations upon those servicemen and women. I have concerns that those physical examinations are not occurring, and in fact, the GAO report that my subcommittee heard about, took testimony from the GAO, indicates that someplace between 38 and 98 percent of the deployed personnel are lacking in one or both of those physical examinations.

Again, this is an issue that I have requested an additional hearing from the Committee on Veterans' Affairs. During my term as subcommittee chairman, we conducted a series of hearings about the health conditions that our servicemen and women were encountering, and believed that it is awfully important for these physicals to take place, and it is uncertain as to whether they are.

In fact, in March of this year, the Committee on Government Reform Subcommittee on National Security, Emerging Threats and International Relations took testimony, and the DOD indicated that servicemen and women who answer yes to certain questions on the questionnaire then have a referral for additional examinations. That implies to me that those who answer no to questions are not receiving those health care physical examinations by health care personnel.

And so the amendment that I am discussing here today would express a sense of Congress that the Department of Defense should fully comply with section 107(f)(b) of Title 10 of the United States Code relating to those

predeployment and post-deployment medical examinations.

And, again, I would hope that we could hold the Department of Defense's feet to the fire for purposes of protecting the lives and safety and the health of our servicemen and women now deployed.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to rise and thank the chairman and the ranking member for accepting the amendment that I offered in full committee on torture, and I want to speak just for a few minutes on that amendment.

Mr. Chairman, the American people watched with shock and horror, as all of us did, as the photos of physical and psychological abuse being inflicted upon Iraqi detainees at the hands of U.S. military personnel were broadcast for the world to see.

Many Members of the House have subsequently expressed their outrage, frankly, and disgust at the acts of torture that took place at Abu Ghraib prison in Iraq.

Some, Mr. Chairman, believe there has been an overreaction, that we are spending too much time on this issue.

Mr. Chairman, I disagree with that view. We must move beyond the mere expressions of outrage, and we must uncover the facts surrounding the torture that occurred at Abu Ghraib, and perhaps at other places as well.

Why? To undermine our efforts in Afghanistan and Iraq? Absolutely not.

To in any way cast doubt on the integrity, courage and good conduct of the thousands of men and women who wear our uniform? Absolutely not.

But we must do so, Mr. Chairman, to emphatically affirm the values for which we fight. These actions represent a grave breach of decades of international and domestic law, and those involved in allowing or in creating an atmosphere in which such actions may seem to be condoned must be held as accountable as those who perpetrated them.

Does a 20-year-old army private decide to put a dog leash on a nude Iraqi detainee and parade him in front of the others and photograph him? I think not.

Do young military guards decide to release guards on detainees? I hope not and I think not.

Secretary Rumsfeld's recent admission of his own violation of the Geneva Convention ordering the secret detention of an Iraqi prisoner for 7 months raises serious questions about the extent of the coordination of the treatment of prisoners of war and detainees in Iraq, Afghanistan and Guantanamo Bay.

The international reaction to these actions damaged our standing in the world. It has undermined our credibility. It has made the already difficult job of securing a broader coalition of support in Iraq and achieving our objectives in Iraq, which I have consistently supported and support to this day, it makes that more difficult, and it has increased the danger of Americans in Iraq and around the world.

While it is true that torture is a clear violation of American and international law, that is not the reason that the United States of America renounces its use.

While it is true that torture undermines our credibility and increases the danger to any Americans traveling abroad, that is not the reason that we renounce its use.

While it is true that torture produces entirely unreliable information, that is not the reason that we renounce its use.

In fact, in a field manual 3452, a 1992 field manual still in force and serves as a basic primer for students and instructors in the army that outlines the Army's doctrine for conducting interrogations, it in the final analysis says this: Imagine that a technique was being applied to American prisoners of war, and ask yourself if it would be consistent with U.S. law. If a doubt still remains as to the legality of a proposed action, seek a legal opinion from your servicing judge advocate.

In other words, do not do these things if you think they would violate U.S. law.

There is another standard that was set forth in a manual of the Army which I thought made a lot of common sense. And it said to them if you would not want an American detainee or prisoner treated in the way you are treating a prisoner, do not do it.

Mr. Chairman, the United States of America renounces the use of torture and mistreatment of prisoners of war and other detainees because it is contrary to the principles upon which the Nation was founded, contrary to our commitment to human rights, and contrary to the value we place on the dignity of all people.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Torture, Mr. Chairman, is quite simply un-American. It is alien to who we are as a people. And where others may seek to rationalize its use, we must not. We must make clear to those who are watching, both friends and foe, that we do not tolerate the behavior that took place, that we will hold accountable all those who are responsible. And that it is not now, nor will it be, the policy of this great and good Nation to sanction the use of torture.

Mr. Chairman, today through language that was included in the fiscal 2005 defense appropriation act for which, again, I thank the chairman and ranking member, we again take an essential step by reaffirming that torture is, in fact, illegal under American and international law, that it is not consistent with American values, and that it is not a policy accepted by the United States of America.

The CHAIRMAN. Are there any further amendments to this portion of the bill?

The Clerk will report the final two lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2005''.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the request for a recorded vote on the amendment by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 218, not voting 13, as follows:

[Roll No. 283]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm

Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—13

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Hinojosa
McInnis
Mollohan
Reyes
Tauzin
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1721

Mr. CHOCOLA and Mr. RENZI changed their vote from ''aye'' to ''no.''

Ms. CORRINE BROWN of Florida, Mr. BOSWELL, and Mr. JOHNSON of Illinois changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 683, he reported the bill as amended pursuant to that resolution back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote, as ordered, on a motion to suspend the rules and adopt House Resolution 658.

The vote was taken by electronic device, and there were—yeas 403, nays 17, not voting 13, as follows:

[Roll No. 284]

YEAS—403

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

Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—17

Conyers
Honda
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
McDermott
Owens
Paul
Payne
Schakowsky
Stark
Waters
Watson
Watt
Woolsey

NOT VOTING—13

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Hinojosa
McInnis
Mollohan
Reyes
Tauzin
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Two minutes remain in this vote.

□ 1740

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 658.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 658, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 285]

YEAS—415

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

NAYS—2

Flake
Paul

NOT VOTING—16

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Hinojosa
Lantos
McInnis
Mollohan
Myrick
Reyes
Stark
Tauzin
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1748

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. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall votes No. 284 and No. 285.

Had I been present, I would have voted "yea" on rollcall No. 284, and "yea" on rollcall No. 285.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 283, the Inslee amendment—"yes"; rollcall No. 284, Final Passage of H.R. 4613—"yes"; and rollcall No. 285, H. Res. 658—"yes."

APPOINTMENT OF MEMBERS TO ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM

The SPEAKER pro tempore (Mr. LINDER). Pursuant to section 104(c)(1) of the Consolidated Appropriations Act, 2004, (Public Law 108–199), and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on the Abraham Lincoln Study Abroad Fellowship Program:

Mr. Mark Kirk, Wilmette, Illinois;

Mr. JOHN C. Peters, DeKalb, Illinois;

Mr. S. Kerry Cooper, College Station, Texas.

COMMUNICATION FROM HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 22, 2004.

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

DEAR MR. SPEAKER: Pursuant to section 104(c)(1) of the Consolidated Appropriations Act, 2004 (P.L. 108–199), I hereby appoint to the Commission on the Abraham Lincoln Study Abroad Fellowship Program, Representative Louise Slaughter of New York, Dr. Mary M. Dwyer of Lake Forest, Illinois, and Ms. Mora McLean of New York.

Best regards,

NANCY PELOSI.

REPORT REGARDING ICELAND'S WHALING ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–195)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Resources and ordered to be printed:

To the Congress of the United States:

On June 16, 2004, Secretary of Commerce Donald Evans certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the ''Pelly Amendment'') (22 U.S.C. 1978), that Iceland has conducted whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

The certification of the Secretary of Commerce is the first against Iceland for its lethal research whaling program. In 2003, Iceland announced that it would begin a lethal research whaling program and planned to take 250 minke, fin, and sei whales for research purposes. The United States expressed strong opposition to Iceland's decision, in keeping with our longstanding policy against lethal research whaling. Iceland's proposal was criticized at the June 2003 IWC Annual Meeting by a majority of members of the IWC Scientific Committee, and the IWC passed a resolution that urged Iceland not to commence this program. In addition, the United States, along with 22 other nations, issued a joint protest asking Iceland to halt the program immediately. The United States believe the Icelandic research whaling program is of questionable scientific validity. Scientific data relevant to the management of whale stocks can be collected by non-lethal techniques. Since Iceland's 2003 announcement, Iceland reduced its proposed take to 38 minke whales and in implementing its lethal research program, killed 36 whales last year. For this year, Iceland has proposed taking 25 minke whales. The United States welcomes this decision to reduce the take and to limit it to minke whales, and we appreciate Iceland's constructive work with the United States at the IWC on a variety of whaling issues. These adjustments, however, do not change our assessment that Iceland's lethal research whaling program is of questionable scientific validity and diminishes the effectiveness of the IWC's conservation program.

In his letter of June 16, 2004, Secretary Evans expressed his concern for these actions, and I share these concerns. I also concur in his recommendation that the use of trade sanctions is not the course of action needed to resolve our current differences with Iceland over research whaling activities. Accordingly, I am not directing the Secretary of the Treasury to impose trade sanctions on Icelandic products for the whaling activities that led to certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing U.S. delegations attending future bilateral meetings with Iceland regarding whaling issues to raise our concerns and seek ways to halt these whaling actions. I am also directing the Secretaries of State and Commerce to keep this situation under close review and to continue to work with Iceland to encourage it to cease its lethal scientific research whaling activities. I believe these diplomatic efforts hold the most promise of effecting change in Iceland's research whaling program, and do not believe that imposing import prohibitions would further our objectives.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2004.*

PRAISE FOR THE PRESIDENT'S JOBS AND GROWTH TAX RELIEF PACKAGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to praise the President and my colleagues in Congress for passing tax relief that has more Americans working today and taking home even more of their hard-earned money.

The American economy was delivered three very substantial blows with the downturn in the global economy, the corporate scandals, and the attack of 9–11. We are now on the high-speed highway to recovery.

America has a broad, deep economy that is rapidly growing. In fact, the tax relief we passed has added jobs for the past 9 months, creating 1.4 million jobs. My State of Florida has seen almost 300,000 new jobs since December of 2001. And let me tell the Members, Mr. Speaker, I can see the results when I am in my district. There are help wanted signs out once again. What a wonderful sight to see.

The President's Jobs and Growth tax relief package enacted a year ago helped drive the strong improvement in our economy. It raised the level of economic activity and productivity which will result in higher incomes and living standards for all American workers.

I praise the President and this House for engineering that growth.

THE PRESIDENT'S ECONOMIC POLICY

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

Mr. BROWN of Ohio. Mr. Speaker, President Bush again was in Ohio this past week to try to justify his economic program to try to sell it to the residents of my State.

Since President Bush took office, one out of six manufacturing jobs has disappeared from my State. President Bush will be the first President since Herbert Hoover to have a net loss of jobs during his time in office. Ohio has lost 190 jobs every single day of the Bush administration.

His answer is always the same: more tax breaks for large corporations and the wealthiest people in the country which might, he thinks, trickle down to create jobs, and more trade agreements like NAFTA which all serve only to ship jobs overseas.

Mr. Speaker, instead of this disastrous Bush economic policy, we need to change directions, extend unemployment benefits, and give tax incentives to those corporations that do business in the United States rather than using U.S. taxpayer subsidies to reward those companies that go overseas and ship jobs overseas and outsource our middle-class jobs.

COMMENDING THE BUSH ADMINISTRATION FOR A JOB WELL DONE

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

Mr. KINGSTON. Mr. Speaker, while there is still a lot of work left to do in Iraq, it is very significant that on June 30, the new government takes over. This is a step that is largely accepted by the international community as a good thing.

Progress is being made, but America is still going to have to stay in there for security reasons to help rebuild the infrastructure and to get the international community to continue to support the new government. We need to stick together on this.

Meanwhile, domestically the economy is picking up. Three hundred thousand jobs were created last month. It bring us to, I believe, something like 900,000 jobs this year. Huge economic growth, lots of opportunities are out there.

For our senior citizens, Medicare cards are now available that give up to a 20 to 25 percent discount on prescription drugs, very helpful for those who are on a fixed income and those who are in retirement.

This administration has taken significant steps to continue to make

America strong and free internationally and domestically and while not turning our backs on those who need the most help.

Mr. Speaker, I commend the Bush administration for a job well done.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GERLACH). 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.

NATIONAL SECURITY THREAT, FRAUD AND ABUSE ASSOCIATED WITH VISA LOTTERY PROGRAM

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

Mr. GOODLATTE. Mr. Speaker, I rise today to discuss a government program that presents a serious national security threat and is wrought with fraud and abuse, the visa lottery program.

Under the program, each successful applicant is chosen at random and given the status of permanent resident, a green card holder, based on pure luck. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at the Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. In a report issued in September of 2003, the Office of Inspector General stated that the visa lottery program contains ''significant threats to national security from entry of hostile intelligence officers, criminals, and terrorists into the United States as permanent residents.''

Usually immigrant visas are issued to foreign nationals who have existing connections with family members lawfully residing in the United States. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our Nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills, or education ahead of these families and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A recent report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the ''guarantee'' of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in its September report. Specifically, the report states that the visa lottery program is ''subject to widespread abuse'' and that ''identity fraud is endemic and fraudulent documents are commonplace.'' Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in 2003 alone. The only penalty for such abuse is disqualification from that year's lottery.

The visa lottery program represents what is wrong with our country's immigration system. The serious national security threats, fraud and waste that the visa lottery program present beg the question why is this program still in existence?

Last February I introduced H.R. 775, the Security and Fairness Enhancement, or SAFE, for America Act.

□ 1800

This important legislation would eliminate the controversial visa lottery program. Not only will the removal of the visa lottery improve our Nation's security but it will also make the administration of our immigration laws more consistent and fair and help reduce immigration fraud and opportunism.

I urge each of my colleagues to support this important legislation.

INDEPENDENCE AIRLINES/O'HARE DELAYS

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

Mr. LIPINSKI. Mr. Speaker, I rise today to express my great concern that schedules recently implemented by the new carrier Independence Air will undermine the hard work that the FAA has done for this summer's service to O'Hare International Airport. This is an issue where we should all be concerned, considering that delays at O'Hare not only impact my district but also shake the entire national aviation system.

Beginning this past winter and continuing through spring, the DOT and the FAA worked carefully with the two largest carriers at O'Hare, American Airlines and United Airlines, to reduce schedules during the peak hours for this summer season. Those airlines agreed to reduce their schedules in the busy afternoon and evening hours, first by 5 percent and later by another 2.5 percent. This notable effort was widely announced by the DOT and the airlines as an important step in reducing delays at O'Hare and throughout the entire national airspace system during this peak season.

However, Independence Air, a new airline operating small 50-seat regional jets, has announced they will have 12 new round trips per day from Washington Dulles to O'Hare. This service has at least five round trips in the peak hours and began last week on June 16.

Mr. Speaker, this offering of new service, especially with small regional jets, is not only unfair to those airlines who made the schedule cuts but also undermines the work of the Department of Transportation and adds delays during the busy summer months. The new service adds only 600 seats per day in each direction, but uses 12 round trips' worth of takeoff and landing capacity.

Furthermore, the Chicago-Washington market already has plenty of service, including 10 round trips with full-sized low-fair jets by Southwest between BWI and Midway, ATA Airlines between Reagan National and Midway, and even more service by American and United Airlines from Reagan National to O'Hare. Meanwhile, American and United have had to reduce service in smaller, less-served markets to free up capacity at O'Hare.

The bottom line is that operational restrictions at O'Hare will not solve the delay problem over the long run. The answer to the delay problem is increasing capacity through the O'Hare Modernization Program, OMP. Therefore, I do hope that the completion of the OMP's environmental impact statement, the ESI, will move forward as expeditiously as possible.

In the meantime, I am concerned about Independence Air, because the Department's future ability to work with existing carriers to reduce schedules will be ruined if a schedule agreement can be so quickly and easily undermined.

I hope that this is an issue that we can study more in depth at an aviation subcommittee hearing in the coming months. I ask that the DOT work quickly with Independence Air to shift these planned flights out of the peak periods at O'Hare this summer.

I would also appreciate an explanation as to how future scheduling agreements can be enforced. Without

an enforcement mechanism, a voluntary scheduling production process cannot work in the future. Time is of the essence. We must give this issue the attention it needs and deserves and work to prevent the millions of passengers who pass through O'Hare Airport from being delayed.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

CONGRATULATING J. BARNETT WOODRUFF FOR BEING AWARDED THE CLIFF O. LIVINGSTON AWARD

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

Mr. GINGREY. Mr. Speaker, I make my way to the floor this evening to congratulate a distinguished citizen from Columbus, Georgia, J. Barnett Woodruff, for being the 2004 recipient of the Cliff O. Livingston award. For those not familiar with its significance, the Cliff O. Livingston Award was created in 1984 to honor individuals who excel above and beyond normal standards of generosity and commitment and advance in the Civilian-Military Council. The honor of this award is to recognize outstanding citizen soldiers.

J. Barnett Woodruff was born October 18, 1923, in Columbus, Georgia, where he attended public school prior to his acceptance to Auburn University in 1942. He later joined the Navy and completed officer training at Georgia Tech. He served our country in the Pacific theatre as a minesweeper during World War II and was recalled in 1952 to serve in the Atlantic and Mediterranean.

After his service in the Navy, Mr. Woodruff embarked on his career in the business community, where he pursued family interests in radio, television, timber, and real estate. He has served on the board of directors for the First National Bank of Columbus, director of the Columbus branches of the First Union Bank, director of Lummus Industries in Columbus, and director of the Woodruff Foundation. At age 80, Mr. Woodruff is currently president of Woodcrest Enterprises, Incorporated, where he does not miss a beat despite a busy schedule serving the greater Columbus community.

Mr. Woodruff has served on the national board of the Boys' and Girls' Clubs, on the board of St. Francis Hospital and its foundation. He is a trustee of Presbyterian College, a Phi Delta Theta Trustee at Auburn University and a member of the Navy League.

With such an illustrious record of service, it should be no surprise that the Cliff O. Livingston award is just the most recent of many accolades awarded to J. Barnett Woodruff. It should be noted that he was chosen the Jaycees Young Man of the Year in 1958.

Despite his vast interest in the community, Barnett Woodruff still devotes his life to God and country as an active member of the First Presbyterian Church and the Columbus Naval Museum.

On behalf of the constituents of Georgia's 11th Congressional District, I appreciate Mr. Woodruff's service to our community. I congratulate him on this great honor, and I wish him continued years of happiness in his service to family, friends and neighbors.

DEFENDING AMERICA WITH SMART SECURITY

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, when the Soviet Union collapsed in the fall of 1991, the chief threat to the United States, the possibility of a massive nuclear exchange, ceased to be. Now the biggest threat posed by the Soviet Union is the massive quantity of nuclear materials that still exists within its former borders.

In 1991, an estimated 30,000 nuclear weapons existed throughout the former Soviet Union. These conditions raised a serious concern that nuclear materials could be smuggled beyond the boarders of the former Soviet Union or the Soviet nuclear scientists might be able to export their expertise or actual nuclear materials to rogue nations or terrorist groups.

Congress responded in November of 1991 by initiating the Nunn-Lugar program, which is commonly referred to as the Cooperative Threat Reduction Program, CTR. CTR enlists the Department of Defense with the task of dismantling nuclear warheads, reducing nuclear stockpiles, and securing nuclear weapons and materials in the former Soviet Union.

Under CTR, more than 20,000 Russian scientists, formerly tasked to create nuclear weapons, are now working to dismantle them. Since 1991, CTR has dismantled nearly 6,000 nuclear warheads, 479 ballistic missiles, 435 ballistic missile silos, 97 bombers, 336 submarine launched missiles, 396 submarine missile launchers, and 24 strategic missile submarines.

This program clearly works. That is why I have introduced the SMART Security Platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. Instead of aggressive posturing, SMART security calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and vigorous inspection regimes.

The Defense Authorization Act for the year 2004 specifically authorized $50 million for proliferation threat reduction projects outside of the former Soviet Union. Along the same lines, SMART security would replicate CTR in possible future nuclear states like Iran and North Korea. SMART security would respond to the threat of a nuclear Iran and North Korea, not with threats of warfare, but rather through a peaceful negotiated program, similar to the one that has been successful in the states of the former Soviet Union, in which the U.S. works with these countries toward the common goal of reducing the world's supply of nuclear weapons.

We need to engage burgeoning nuclear powers on a nation-to-nation level for the purposes of nonproliferation, and we need to take the initial steps towards demolishing their nuclear weapons and infrastructure. In the long run, negotiating with other countries will keep us much safer than scaring them into submission.

If we are going to throw our weight around the world demanding that other nations cease their weapons programs, we must make sure that we are setting an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons. We must maintain our commitment to existing international treaties, like the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention.

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 our 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 will keep America safe.

GETTING SERIOUS ABOUT BALANCING THE FEDERAL BUDGET

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, first I would like to submit a statement for the RECORD concerning a tremendous accomplishment announced today by the Department of Agriculture. For the first time now in 20 years, all paper food stamps are being replaced with electronic benefits.

Mr. Speaker, today, I joined Secretary Veneman at a ceremony to announce the completion of a decades-old project. Thanks to the commitment of Congress, the U.S. Department of Agriculture's Food and Nutrition Service, financial institutions, retail outlets, and State and local agencies, our Nation's Food

Stamp Program now issues benefits completely electronically. Through Electronic Benefits Transfer (EBT), the program moves into the 21st century, allowing over 20 million food stamp recipients to shop at over 145,000 businesses more efficiently than ever.

The Food Stamp Program now runs completely on an electronic-based system. Using the same technology as most debit card systems, recipients carry a plastic card secured with a Personal Identification Number. Service is improved for clients and accountability for purchases is ensured. In addition, it reduces administrative costs allowing more funds to be channeled into food purchases rather than printing, shipping, counting, endorsing, and destroying coupons.

EBT began as a demonstration project in 1984 in Reading, PA. However, it wasn't until the early 90s that the project expanded into Maryland, Ohio, New Mexico, and my home State of Minnesota. Due to high demand by the States, an EBT Task Force was established in 1993 and published an article in 1994 demonstrating the cost-effectiveness of the program modification. This article proved pivotal, and in 1996 Congress passed the Personal Responsibility Work Opportunity Reconciliation Act, which mandated that all States implement EBT by October of 2002.

This month marks a tremendous achievement. As of June 15, every State in the Nation has finally implemented EBT. It took the work of thousands of Federal, State, and local staff along with numerous contractors, financial institutions, retailers, and the advocacy community.

Thanks to the new electronic system, the Food Stamp Program error rate is the lowest in the history of the program. It has already helped to eliminate much of the theft, fraud and abuse related to paper coupons. EBT brings the program into the 21st century with new mainstream technology. Now, eligible recipients can readily patronize authorized stores for nutritional purposes.

None of this could have been done without teamwork and the genuine care of so many individual and organizations. Today our Nation's hungry can more efficiently receive the nutrition assistance. I am proud to recognize and congratulate not only the USDA and Food and Nutrition Service, but all of the people, agencies, and businesses as well that have brought the Food Stamp Program into a new era.

Mr. Speaker, I rise tonight to talk about the Federal budget and what has happened over the last several years in terms of Federal spending.

I know that there are others of my colleagues that are here tonight that came in the election of 1994. When we first came here, we were told by the Congressional Budget Office and others that if we did not get serious about balancing this Federal budget that by the time my children got to be my age, my children could be facing a Federal tax rate of over 80 percent just to pay the interest on the national debt.

I am happy to report that during the first 5 years of the Republican-led Congress, we dramatically reduced the rate of growth of spending here in Washington. From 1995 until the year 2000, overall spending here at the Federal level increased at an average rate of only 3.2 percent. That is at a time when the average family budget was going up about 3.5 percent. So the good news is we literally controlled the Federal budget so it was growing at a slower rate than the average family budget. The net result is we went from roughly $250 billion deficits to $250 billion surpluses.

That is the good news. Starting in about the year 2000, and certainly accelerating in 2001, for a whole lot of reasons, and I will talk about those in a minute, Federal spending began to explode. We started to return to some of the old bad habits. I think in some respects it happened in part because we had the surpluses.

It is much easier to say ''no'' to new spending when you have a deficit. When you have extra money in the bank, everybody comes in and says, now we can finally afford to pay for this program or to fully fund that program. So spending began to increase.

As I mentioned, from 1995 until 2000, Federal spending grew at a rate of about 3.2 percent. Since 2001, as you can see in this chart, things began to accelerate. Assuming that we can live with the budget numbers that we have passed here in the House with our blueprint, Federal spending between 2001 and today will grow at a rate of 6.4 percent: 3.2 percent, 6.4 percent.

I do not want to bore people with statistics; but in simple terms, we have allowed Federal spending to grow at double the rate it grew through much of the 1990s, and it really is time for us to get serious; to get back on a plan not only to balance the budget, but ultimately to pay down additional parts of that huge Federal debt.

Back in the Midwest, we know that, generally speaking, there is almost an ethic among farmers that you pay off the mortgage and you leave the kids the farm. Well, unfortunately, we are back to the business of selling the farm and leaving our kids the mortgage.

□ 1815

One of the answers is to go back to what we did back in the 1990s, and that is something we call PAYGO and spending caps. A lot of people were skeptical in terms of whether they would work. Even Chairman Alan Greenspan was skeptical in terms of whether or not long-term spending caps and PAYGO would work. But I would like to read some quotes from Chairman Greenspan, the first of which was from the House Committee on the Budget testimony, September of 2002. He said, ''Restoring fiscal discipline must be a high priority. The progress of the 1990s in reducing budget deficits might have been elusive were it not for the budget rules that worked far better than many skeptics, myself included, had expected.

''Now is not the time to abandon the discipline and the structure that worked so well for so long. The framework enacted in the Budget Enforcement Act of 1990 must be preserved.''

Those are pretty strong words for Chairman Greenspan.

He went on to say even more. In fact, in response to a question that I made in the House Committee on the Budget about spending caps and PAYGO, he said, specifically in July of 2003, ''I would like to see the restoration of PAYGO and the discretionary caps which essentially will restrain the expansion of the deficit and, indeed, ultimately contain it. It did that back in the early 1990s, and 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 back fiscal balance.''

Mr. Speaker, it is time that we bring back fiscal balance. Chairman Greenspan is exactly right. We thought that we could allow spending caps and PAYGO to expire, and it would have no consequence. We were wrong.

We will get a chance later this week to vote on spending caps and PAYGO. I hope all Members on both sides of the aisle will join me in supporting that measure.

BUSH ADMINISTRATION CONTINUES TO SHORT-CHANGE VETERANS

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

Mr. BROWN of Ohio. Mr. Speaker, as a new generation is being created in Iraq and Afghanistan, Republicans are underfunding programs that are vital to our Nation's veterans.

The Bush administration has tried to increase the cost of health care for veterans which would have forced 1 million veterans from the system. Their budget slashed funding for staff needed to process disability claims and cut funding for prosthetic research and long-term care.

House Republicans passed a budget that underfunds veterans health care by $1 billion, and they rejected efforts by House Democrats to fully fund VA health care.

Their budget cuts do not stop there.

The Bush administration, in order to make room for tax cuts for the wealthiest 5 percent in our Nation, their plan for the 2006 budget includes a $900 million cut in funding for veterans health care. That would be catastrophic for the VA and for our Nation's veterans.

Last month, Secretary Principi and President Bush announced they had closed three VA hospitals, one in Mississippi, one in Pittsburgh, and one in my district in northeast Ohio in Brecksville. The Ohio facility serves 48,000 veterans and is a national leader in programs that treat substance abuse and mental illness. The Brecksville VA hospital is critical for ensuring the health and well-being of the thousands

of homeless veterans who rely on Brecksville and who now will be forced to find another way and go somewhere else.

For whatever reason, the administration chose the same month in which we honored our war heroes on the anniversary of D-Day and dedicated the World War II Memorial to close those three health care VA facilities.

Ohio is home to more than 1 million veterans. That number obviously is increasing with our commitments abroad. There are 61,000 active Reserve or National Guardsmen and -women from Ohio, 9,000 serving in Iraq and in Afghanistan. When these brave men and women serving our Nation come home to Ohio, they face, as a result of the administration's negligence and policies, they face cuts to health care benefits, cuts to VA hospital closures; and they face, in some cases, loss of their livelihoods.

Not since World War II has the U.S. made such heavy use of part-time soldiers.

Twenty-seven percent of self-employed Reservists said their businesses were irreparably damaged while deployed in Iraq. Other Reservists and Guardsmen and -women have taken pay cuts in order to fight for our Nation in Iraq. When they return home, many of these veterans will have to take out second mortgages to repair their businesses and to get back on their economic feet.

While they struggle to rebuild their source of income and economic support to their communities, they are forced to pay more for prescription drugs, and they are forced to travel further for their health care needs.

How do we look a veteran in the eye and ask a veteran to go to Canada to buy less expensive prescription drugs?

While our brave men and women serve our country, their benefits and their ability to support their families are being threatened by this administration's policies that hurt America's veterans. In only 3½ years, we have seen rising costs for prescription drugs from a $3 copay per drug per month to a $7 copay per drug per month, and now the Bush administration wants a $15 copay per drug per month. Mr. Speaker, 330,000 veterans have unprocessed claims and 100,000 veterans are waiting for appeals decisions. New enrollment fees and increased costs of prescription drugs will cost veterans $2 billion over the next 5 years. All of this has happened since President Bush took office.

The President opposes the renewal of ''imminent danger'' pay for families of active duty soldiers in Iraq and in Afghanistan.

The President opposes mandatory funding for veterans health care; and maybe most importantly, the President, in his campaign in 2000, told veterans that ''help is on the way.'' Three years later, this administration continues year after year after year to cut veterans benefits. We must do better than that.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. CHOCOLA).

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

There was no objection.

RESTORING FREEDOM OF SPEECH REGARDING MORAL AND POLITICAL ISSUES FOR RELIGIOUS LEADERS

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. Mr. Speaker, I am back on the floor tonight, because when I think about the sacrifice of our many men and women in uniform from the beginning of America through and including today, I think about the fact that many have fought and died and been injured for freedom. Yet in America today, our churches do not have the freedom to speak about the moral and political issues of the day.

I share that because for the last 4 years, I, along with many others, have been working to try to return that first amendment right that was taken away in 1954. Prior to 1954, any minister, priest, or rabbi or cleric in this great Nation could speak on the policies and the political issues of the day. Many times when they are speaking, it is based on the teachings of their religion; and, therefore, they are very important to maintaining the Judeo-Christian values that have made America the great Nation that it is.

I want to share with my colleagues that 2 or 3 weeks ago, the Bishop of Colorado Springs, Bishop Sheridan, issued what is called a pastoral letter to every member of his diocese in that region of Colorado. In his letter, let me just share this with my colleagues, Mr. Speaker. It goes on to assert, the letter says, ''Dear friends in Christ: I exhort you with all my heart to take courage and claim the gospel of life to those who will stand for elected office this fall. It is by your prayers and by your vote that politicians who are unconditionally pro-life and pro-family will serve our country. Conversely, if our voices remain silent, or if, God forbid, we vote contrary to our informed conscience, we will see our country led down a short path to ruin.''

Now, let me make this clear. This is the teachings of the Catholic Church. I happen to be a Catholic, and I know for a fact that our church for years and centuries has stood for protecting the unborn and their life.

What really upsets me, Mr. Speaker, is the fact that Bishop Sheridan wrote a pastoral letter reminding the parishioners of the teachings of the church and what the church stands for. Because of that pastoral letter, a letter was written to the Internal Revenue Service by Barry Lynn to complain that the bishop violated the Johnson amendment, which I am trying and would love to have more support to change so that our ministers can speak as they did in 1953 without any restriction. He filed a complaint with the Internal Revenue Service and said that he violated the Johnson amendment.

Now, let me make it clear. He did not violate the Johnson amendment. What he did was, in the rulemaking authority of the Internal Revenue Service, there is a section, not because of the Congress, not because of the Johnson amendment, but they took it upon themselves in the early 1990s to expand the Johnson amendment; and any time a minister might say pro-life or pro-choice, liberal or conservative, Republican or Democrat, then the IRS is saying that they have violated the Johnson amendment.

I think it is so sad. There is a young man who is here tonight that I cannot mention who has returned from Iraq. He lost a limb for this great Nation. Yet last night I was with the Prime Minister of the Ukraine, and I asked him the question, I said, in the Ukraine, can your ministers stand up and talk about the people running for office in your country? He said, yes, sir. They can say anything that they want to say. And I said, Mr. Prime Minister, they could here in this great Nation until 1954. They could say anything and everything that they thought should be shared with their congregation.

I want to share, if I might, as I begin to close, Mr. Speaker, that Rabbi Daniel Lapin, who is one of the finest men in this great Nation, is a strong supporter of this legislation. I cannot find right now the statement that he sent to me, but Rabbi Lapin understands that America's strength is the fact that we continue to support Judeo-Christian principles.

I would like to say that I believe that every minister in this country, every priest, every rabbi, every cleric that would like to speak on the issues of the day should be allowed to do so without the Federal Government intervening in their sermon or their dialectic or whatever it might be, that they should be set free to talk about these issues.

So, Mr. Speaker, I close this way because of our men and women in uniform. America's greatness is dependent on the fact that we remain a country of morality, that we remain a country that remembers the Judeo-Christian foundation of America. So I ask God to please bless our men and women in uniform, to please bless their families, and

I ask God to please, please, save America. We are in trouble.

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

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

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

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

PRESIDENT BUSH'S RECORD ON WOMEN'S ISSUES

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

Ms. SCHAKOWSKY. Mr. Speaker, I am joined tonight by several of my colleagues to do a short series of 5-minutes to help shed light on President Bush's record on women. We are very grateful to the National Women's Law Center that produced a report called ''Slip-sliding Away: The Erosion of Hard-won Gains For Women Under the Bush Administration,'' and the National Center For Research on Women that wrote a report called ''Missing: Information About Women's Lives.'' They compiled reports on the actions taken by the Bush administration that have eroded hard-won gains for women. These are rights and guarantees for equality that my colleagues and I, and those who came before us, have worked for years to gain in order that our daughters and our granddaughters would not have to endure inequality, violence, or lack of opportunity.

During the last 3½ years, so many of those gains have been rolled back, chipped away and, in some cases, obliterated all together. My colleagues will elaborate on some of these actions, but let me at least provide my colleagues with a list of the administration's actions. I have only 5 minutes, so this list will be a sample rather than an exhaustive list.

Despite a persistent wage gap and barriers to equal opportunity like sexual harassment and pregnancy discrimination, the Bush administration has advocated policies that make the situation worse for women at work.

The Bush administration has completely eliminated the Equal Pay Matters initiative.

The Department of Justice has weakened enforcement of the laws against job discrimination and abandoned pending sex discrimination suits without notice or explanation.

The Department of Labor repealed regulations that allowed paid family leave to be made available through State unemployment compensation funds.

The Bush administration has proposed new regulations that would deprive millions of women the right to overtime pay.

The Bush administration has been proactive in undermining title IX, a program that promotes equality for girls in education and sports, a landmark piece of legislation that our late dear colleague, Patsy Mink, had so much to do with passing.

The Department of Education ''archived'' a guidance on sexual harassment in violation of title IX, making this guidance unavailable to victims of harassment, parents, schools, and the public.

□ 1830

The administration has tried to eliminate funding for the Women's Education Equity Act, which provides curricula and materials to help schools comply with Title IX and research on model programs to promote gender equity.

The Justice Department urged the Supreme Court to strike down the use of affirmative action to achieve diversity in higher education, while the Department of Education encouraged colleges and universities to avoid using affirmative action instead of guiding them on ways they can permissibly do so.

The Department of Education has proposed removing existing safeguards that ensure all girl and all boy classes and schools do not perpetuate stereotypes and second-class status for girls.

President Bush's most recent budget proposal would result in 300,000 children losing child care assistance by 2009.

The Bush administration has proposed modifications to the welfare law that would impose harsh new work requirements on mothers in poverty while opposing increases in their child care assistance.

The Bush administration has proposed privatizing Social Security which would hit older women especially hard by siphoning money out of the system, thus reducing benefits for poor women.

The administration has proposed eliminating the savers credit that gives additional tax credits to low and moderate income individuals and families who contribute to retirement accounts. At the same time, the President has proposed weakening the protections for low and moderate income individuals in employer pension plans.

President Bush signed a Medicare bill that prohibits the government from using its bargaining power to get lower costs on prescription drugs hurting the 80 percent of older women who use prescription drugs every day.

The Bush administration has proposed changes in Medicaid that would result in the denial of health care coverage to many poor women who are now eligible for Medicaid.

President Bush, for the first time since Roe versus Wade, was decided in 1973 signed into law a bill that unconstitutionally restricts a women's right to choose and that blatantly disregards any consideration for possible threats to a woman's health.

President Bush has cut millions of dollars in funding for international women's family planning which is used to promote maternal and infant health and reduce unwanted pregnancies and infant death.

Too bad I could not get through the long list which was just a summary in itself of the ways that women's rights have been eroded under this administration.

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

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

''W'' IS FOR WAR ON WOMEN

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

Ms. SLAUGHTER. Mr. Speaker, along with my Democrat women colleagues, I want to express my outrage at the Bush administration's way to wage devastating war on women from the first day he took office.

The women in America knew from the past 4 years that ''W'' is for War on Women, and the two reports that my colleague the gentlewoman from Illinois (Ms. SCHAKOWSKY) discussed highlight this fact.

I would also like to mention another report issued earlier this year by the Union of Concerned Scientists entitled ''Scientific Integrity in Policy Making and Investigation Into the Bush Administration's Misuse of Science.'' This report documents the unprecedented manipulation, suppression, and misrepresentation of science across disciplines ranking from the environment and climate change to military intelligence and public health as well as attacks on issues that specifically affect women.

As a microbiologist, I am particularly concerned with Mr. Bush's blatant disregard for science. As these three reports demonstrate, the President is clearly engaged in a war on women with particularly vicious attacks on women's reproductive rights.

Let me give you a few examples. President Bush is doing everything in his power to restrict and eventually eliminate a women's constitutionally protected right to abortion. The Bush administration supports and is vigorously defending the first Federal law that bans medically necessary abortion procedures since Roe v. Wade, a law that contains no exception to protect a woman's health. It is plainly unconstitutional.

President Bush and his administration have taken multiple actions to imbue embryos and fetuses with the status of personhood in an effort to undermine Roe v. Wade, even at the expense of potentially life-saving medical research and has distorted scientific information to further its anti-abortion and anti-family planning agenda.

President Bush also endorsed unnecessary legislation that establishes a fetus, embryo, and even a fertilized egg as an independent victim of a crime and, thus, a legal person with the same legal rights as live and born individuals, and, particularly, as its mother.

Ironically, at the same time he is attacking a woman's right to choose, he is making every, every effort to inhibit the ability to prevent unintended pregnancies. The Bush administration has consistently proposed inadequate and often even reduced funding for Title X, the family planning programs which provide women with family planning and other health care across the country.

The administration tried to end the requirement that health insurance plans offered to Federal employees which includes the coverage of prescription contraceptives if the plan covers other prescription drugs and devices such as Viagra.

President Bush named to the Reproductive Health Drugs Advisory Committee of the FDA Dr. David Hager, who reportedly has refused to prescribe birth control to unmarried women and has suggested prayer to women who suffer from premenstrual syndrome.

The Centers of Disease Control and Prevention under President Bush replaced a comprehensive online fact sheet about condoms with one lacking crucial information on their use.

On his first day in office President Bush reinstated the global gag rule and extended it to the entire State Department.

For 3 consecutive years, George Bush has withheld funding for the life saving reproductive health services offered through the United Nations Population Fund in over 150 poor countries around the world.

President Bush promotes the unproven abstinence only sex education programs, denying our Nation's young people critical information on ways to prevent pregnancy and sexually transmitted diseases, including HIV/AIDS, even though we know that over 60 percent of 12th graders report having had sexual intercourse.

In fact, recent analysis of abstinence only programs found that such programs can actually reduce the use of condoms when program participants become sexually active, increasing their risk of pregnancy.

In my opinion, the President's ''abstinence only'' programs should be more accurately labeled ''ignorance only,'' and we are placing the very lives of our youth in danger. This is unconscionable.

When the Nation is in such a severe budget crunch and running skyrocketing deficits, George Bush's decisions to spend millions upon millions of dollars on a program that is not only unproven but potentially harmful is dumbfounding. Moreover, he is also exporting this dangerous ignorance policy to other countries around the world.

Another example is the administration posting information on the National Cancer Institute Web site which misleadingly suggested a link between abortion and breast cancer despite objections from the Centers of Disease Control staff who said that scientific study has long refuted that connection.

Mr. Speaker, at this point I will insert the remainder of my statement into the RECORD.

In fact, the Bush Administration had to pull the false information off the Web site after significant outcry from the scientific community and the American public.

The most recent transgression is a decision by the Bush Administration's Food and Drug Administration to reject Barr Laboratories' application to make its emergency contraception, Plan B, available to women over-the-counter.

In doing so, the Bush Administration once again demonstrated its blatant disregard for the health and well-being of American women.

According to press reports, George Bush's political appointees based this decision on politics instead of science, going against an overwhelming vote by an independent expert advisory committee and his own staff at the FDA.

Such an action is unprecedented.

The FDA's scientific advisory panel and staff overwhelmingly recommended that this drug be made available to American women over-the-counter, because they know what we all know: The scientific facts irrefutably show that this drug is a safe, effective way for women to prevent unintended pregnancy. The scientific data show beyond a shadow of a doubt that Plan B could cut our Nation's unintended pregnancy rate in half and reduce the number of abortions performed in our Nation by hundreds of thousands.

But in an outrageous move, the FDA ignored the expertise of its own scientists and staff—and the will of American women and hundreds of women's, health and doctors' groups—and instead denied this safe contraceptive over-the-counter status.

The FDA threw the facts out the window and instead caved to pressure from right-wing ideologues.

Even FDA officials admitted that this decision was unusual. And last April, two FDA scientists wrote an article in which they openly speculated that political pressure was influencing the FDA's decision on emergency contraception.

We must get to the bottom of how this decision was allowed to happen. We cannot jeopardize future FDA decisions with partisan pandering.

American women trust the FDA to make the best decisions possible with respect to their health.

We absolutely must be able to trust that the federal agency responsible for allowing us access to miraculous drugs will leave politics out of decisions that can so profoundly affect our health.

In my mind, the FDA's decision on Plan B has completely shattered this trust, especially in the leadership of the FDA.

Therefore, my colleague HENRY WAXMAN and I spearheaded a letter along with 28 of our colleagues asking the General Accounting Office to conduct an investigation into the influence of partisan politics upon the FDA, eviscerating its ability to make decisions based upon sound science.

I also believe that FDA Acting Commissioner Lester Crawford and Dr. Steve Galson, acting director of the FDA's Center for Drug Evaluation and Research, need to be held accountable for this outrageous decision that so clearly goes against the scientific data.

Therefore, I have called upon President Bush to request their resignations. Only when partisan politics are no longer allowed to take precedence over science will our trust in the FDA be restored.

There are so many other examples of President Bush and his cronies riding roughshod over science that I do not have time to discuss them all this evening.

However, I would encourage the American public to take a look at all of these reports to find out what the Bush Administration doesn't want you to know.

As I noted a few minutes ago, the President's moniker that ''W is for Women'' is a joke.

Mr. President, no one is laughing, because the actions you have taken against women are having devastating consequences.

Indeed, you have proven time and again that ''W is for WAR on Women.''

Mr. President, the women of America know what you are doing, and we will not stand for it!

BUSH'S RECORD ON WOMEN

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 also share with my colleagues two incredibly important studies that greatly impact women all around this country. These reports published by the National Women's Law Center and the National Council of Research on Women clearly demonstrate that women's fundamental rights in this country are under attack by this administration's politics and policies.

Since 2000, the Bush administration has been slowly chipping away at many of the hard won gains for women. This new data demonstrates that since his first few months in office, President Bush has used the power of his Presidency to manipulate, obstruct, and censor information that directly affects women's lives.

Priorities have been changed, funding has been cut, research findings have been distorted and social differences and inequalities have been masked. American women have a fundamental right to seek public information that is clear, easily accessible, and not contaminated by ideology.

And I am particularly concerned about the lack of information regarding violence against women. Violence against women is a serious problem that affects women and families nationwide. An estimated 1.5 million

women are physically assaulted or raped by their partners every year.

Women who suffer from violence depend on local services and health care providers to help them through their physical and emotional pain. Nationally battered women's shelters serve more than 300,000 women and their families, even though there is a far greater number who seek this assistance. These shelters and health care services are critical for women, victims of violence.

In the year 2000, the Violence Against Women Act mandated that the Attorney General conduct a national study of discrimination against domestic violence victims when they try to sign up for health insurance. This report would offer new insight into better ways that our Nation can serve domestic violence victims and help us understand the many struggles that women victims face day-to-day. This report, by the way, was due back in October of 2001 and here it is now, June of 2004. Where is the report?

I would also like to bring attention to the fact that the administration's healthy marriage proposal for the welfare reauthorization bill failed to include important protections for battered women in marriage protection programs.

In addition, $1.8 billion in Federal and State funds that were allocated for these healthy marriage programs targeted at low income couples would come out of funds already squeezed from child care, job training, and transportation services. These services are especially critical for low income women.

But this is not the first time low income women's rights have been targeted by this administration. The new reports by women advocates also clearly demonstrate how the Bush administration's tax policy failed women in order to pay for tax cuts for the very wealthy.

The administration's budget proposes over $191 billion in new tax cuts over the next 5 years, primarily for the benefit of the wealthiest in our country. These benefits for the rich come at the mercy of deep cuts in domestic programs.

Just look at the cuts in housing, for example. Affordable housing is essential to ensuring that women have equal opportunity in our society and have stable homes in which to raise their children. Currently 28 percent of women-headed families have critical housing problems. Yet because of the Bush administration's policy, next year 250,000 families, most of whom are headed by women raising children, will lose important housing vouchers. Within 5 years, 800,000 families could lose their housing vouchers.

We also cannot forget that the administration excluded millions of low income working families from the increase in the child tax credit of 2003. Over 7 million families with incomes between $10,500 and $26,500 were denied in the 2003 increase in the child tax credit signed by President Bush. Two-thirds of those parents were hurt by this exclusion, in particular, women, disproportionately single mothers, women of color, and married women who were out of work.

It is clear that the Bush administration does not enforce policies that help women make economic strides. Women deserve better treatment by this administration. After all, we represent well over 50 percent of the population. And it is time that we stand up against these policies and politics that are eroding our rights as women.

DEGRADATION ON THE STATUS OF WOMEN

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker and distinguished Members of Congress present, I come before you to celebrate the millions of working American women who are blazing a bright path for young women to successfully contribute to the American economy and, most importantly, to the future of our Nation. Women are the backbone of America's homes and of America's economy. Our presence and career fields such as science, business, and politics, has only brought improvement to these areas where women have traditionally been underrepresented.

Though women have made tremendous gains in closing the gender gap in the workplace in the past, the current status of women in the workplace has become stagnant and on a decline.

Instead of full and equal pay, women are still hitting the glass ceiling. In the year 2002, data from the AFL/CIO stated that women are paid 77 cents for every dollar men received.

□ 1845

Of course, before that it was 76. Nationwide, working families lose $200 billion of income annually to the wage gap. In addition to loss of wages, working American women have experienced a loss of jobs during the last 3 years. Following the 2001 recession, women workers lost over 300,000 jobs between the start of the recession and March of 2004. The 2001 recession marked the only period of sustained job loss for women in the last 40 years in the United States.

With startling facts like these, I ask, What is this administration doing to ensure equality in the workplace for working American women? Mr. Speaker, I am sorry to report that this administration has taken regressive actions to address the problems facing women in the workplace.

The Bush administration has made 25 publications on the Department of Labor's Women's Bureau Web site unavailable. This administration has disbanded and underfunded government offices that were established to address women, such as the Office of Women's Initiatives and Outreach in the White House and the President's Interagency Council on Women.

Mr. Speaker, these actions are really unacceptable, and Congress should lead the charge for procuring equality for women in the workplace by writing and passing bills that call for equal pay of both men and women employees for equal work, restoring the funding to government offices dedicated to women issues and reinstating the publications that have been removed from the Department of Labor's Web site regarding women in the workplace.

In the future, the majority of the workplace will continue to be female. What is this saying to our young people?

The Bush administration prides itself on being a champion of the economy and an administration that has taken action to stimulate our economy with tax cuts. However, this administration has failed to include women in this process for stimulating the economy. Women are 51 percent of the population in our country and growing, and over half of the working population is not being utilized to contribute to the growth of the American economy.

I urge my colleagues to take a stand against the degradation of the status of women in the workplace of this Bush administration.

EXCHANGE OF SPECIAL ORDER TIME

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent to claim the time that the gentlewoman from Texas (Ms. JACKSON-LEE).

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

There was no objection.

EX-PRISONERS OF WAR NOT RECEIVING JUST COMPENSATION

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

Mr. STRICKLAND. Mr. Speaker, I rise today to talk about yet one more example of how the Bush administration seems to put the needs of Iraq and Iraqis over the needs of America and Americans.

We all know that during the first Gulf War there were a significant number of American soldiers who were taken prisoner of war. Under the law passed by this House, we have given permission for those who have been tortured to take legal action against a terrorist state that was responsible for that torture. So 17 American prisoners of war, who were prisoner during the time of Saddam Hussein's regime, brought legal action; and the courts determined that they were, in fact, entitled to just compensation and granted them compensation.

Then the Bush administration spent tax dollars to fight that decision, took it to a higher court, and had that decision overturned.

Now, these prisoners of war were not seeking money from America. They were seeking money from the Iraqi regime that had tortured them. What kind of torture did they experience? They described being tortured with electric shocks, being threatened with castration, being threatened with execution, being beaten so severely that their bones were broken and that they were permanently disabled as a result of those beatings.

This country had frozen over $1 billion in Iraqi assets that would have been used to pay these ex-prisoners of war just compensation, but the Bush administration said this money is needed for the reconstruction of Iraq. That is more important than compensating the American POWs; and so the Bush administration has returned that money back to Iraq, and our American ex-POWs have been told that there is nothing for them.

This is even more egregious when we consider what Secretary Rumsfeld has recently said. He said that he believes the Iraqi prisoners who were tortured in the Abu Ghraib prison, the very same prison where the Americans were tortured, Secretary Rumsfeld believes that this country should, in fact, compensate them because they were tortured.

So here is what we have. American POWs having been tortured in Iraq and told by the Bush administration they are entitled to no compensation. The Iraqi prisoners were tortured in this very same prison, and our Secretary of Defense is saying American tax dollars should be used to compensate them.

One of the newspapers in my region had a story that went like this: it was the United States of America and Saddam Hussein versus American ex-POWs, and the United States and Saddam Hussein won.

The Senate had taken action. Unanimously the Senate voted last week to approve an amendment submitted by Senator REID, cosponsored by Senator WARNER and Senator LEVIN, to say that no Iraqi prisoner would be compensated for the abuse they endured unless the American POWs were compensated for the abuse that they endured. It seems to me that if we are going to use resources to compensate the Iraqi prisoners, that the American POWs are entitled to at least similar compensation; and I hope that my colleagues from both sides of the aisle will recognize the injustice of compensating the Iraqi prisoners while we fight the compensation for American prisoners of war.

So during the next weeks and months, I am going to be looking for ways to attach this language to a piece of legislation that will guarantee this fairness and will correct this unjust situation.

WHAT IS THE EXIT STRATEGY FROM IRAQ AND AFGHANISTAN?

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few hours ago, this House engaged in a debate, one I believe that is one of the more important debates that we have in this House, and that is, the appropriations for the defense of this Nation. Clearly, there were so many themes and so many issues that go yet unanswered. I think it is important to elaborate for the American people some of the concerns that needed to be addressed but were not addressed in the fullness of the debate that took place.

I acknowledged when I was on the floor that I respected and appreciated the hard work of the chairman of the full committee, the ranking member of the full committee, as well as the ranking member of the subcommittee and certainly the chairman of the subcommittee.

I also have noted in the past my full commitment for our troops on the frontline and have had the pleasure of interacting with them in my visits to them in Afghanistan, more than once, in Iraq and other places in the Mideast, and will continue to interact with them as my other colleagues do; and I continue to indicate that my door remains open to their concerns and their family members.

That is why I rise today, because when the administration announced a $25 billion supplemental that is necessary for Afghanistan and Iraq, I made the point that I would like to see some strategy, some long-term exit strategy, some way and means of bringing our troops home, some understanding of how many troops we will need, do we have enough troops; and yet in the course of the designing of this appropriations bill, outside of the process of those committees, there has been no known process that I have or known statement to the actual road map that we are going to take out of Iraq and Afghanistan.

There is a due date of June 30 for the transition of power. I frankly believe in al Qaeda assessing the situation that we actually need to have, if you will, a greater understanding as to whether that transition of power will truly work. We do not have that, but yet we have been asked to give $25 billion, $25 billion in order for those dollars to go to Iraq and Afghanistan.

I stand here in full support of increased military personnel pay, of support for families and children of the military personnel, of veterans, in support of an increase in their salaries; and, in fact, Mr. Speaker, I had an amendment that would offer $100 million taken from the missile defense dollars that cost $20 billion to train, equip and provide related assistance to the military security forces.

Had that amendment been accepted, I might have voted for this appropriation; but the reason why I think this point was extremely important, and again, this may have been something that was discussed in the midst of the committee process, but it was not brought to this body, not in a full debate, and that is, in my visits I spoke to Reservists and National Guard who indicated, I was trained as a cook, trained as a carpenter, trained as a driver, and yet I was being utilized as an MP; I have been utilized as a prison guard for Abu Ghraib, for example. In many instances, because of the short-changing of personnel, we have seen those ill-equipped to be in the midst of combat or to be used or be involved or engaged in combat action, not defense action, not meaning I am doing something else and I am being attacked, but to go out offensively and be part of combat.

We are seeing those individuals untrained doing those duties. We have seen tragedies occur. Certainly, we saw the tragedies of soldiers being kidnapped on convoys. We see the tragedies of MPs not really being trained as MPs; and certainly, there is no greater tragedy for the American personnel and for the Iraqis of Abu Ghraib.

So this amendment was to be offered, and unfortunately, because of the unfortunate restraints, or the restraints that we have, that amendment was not accepted.

I would have also offered an amendment to deal specifically with contracting companies because we realize that we had a problem with outside contractors, though many have done very able work; but I believe that if you are a contractor wearing the flag of the United States of America, engaged with the United States military, you must have an impeccable record; and if by chance you have been charged with human rights violations in the last 5 years or beyond, then I would argue that you have no place in having a contract in the United States Government, but particularly in areas of conflict; and I would have offered that amendment had it been received and accepted.

Let me also say that there are two other crises that I think are extremely important. The first one goes back to military personnel. That has to do, Mr. Speaker, with mental health; and I would have offered an amendment on mental health as well as additional resources for the Sudan.

Let me close by saying that all of this would have warranted a better bill, and maybe we would have had a chance to address the needs of women in America, which I would have spoken about or will endeavor to speak about at some other time. In any event, I will submit many of my comments for the RECORD.

REPUBLICANS ACCOMPLISH MEDICARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

□ 1900

Mr. BILIRAKIS. Mr. Speaker, we are here tonight, I guess it is tonight, to talk about the Medicare Modernization Act. I will say that I was proud to be a part of that small conference committee that worked hours, weekends, weeks that produced this landmark bipartisan legislation. I am the first to say, and I have said it oftentimes to many of my colleagues, and certainly members of the staff, that this law is not perfect. It is far from perfect. But it targets an awful lot of money towards the areas where it will do the most good; towards the areas that will do the most good. The poorest and the sickest among us will certainly benefit the most from this new law.

Back in the mid 1960s, Mr. Speaker, the Congress passed the Medicare bill. Since then, there have been very few major changes made to it. The bill today, the law today regarding Medicare would offer Medicare beneficiaries the basic part A and part B coverage. It would offer very, very little preventive care. In fact, until a few years ago, it offered no preventive care at all.

We added a few things in a few years ago. The gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) and I got together and we added some preventive care to the bill. No prescription drug coverage available. Very little choice in plans available. If you live in a rural area, much harder to get access to that Medicare.

Today, we have a plan as a result of what this particular Congress did that adds some form of prescription drugs to those benefits. It also adds in an awful lot of preventive health care by way of what we call ''Welcome to Medicare,'' so that when a person is eligible to get on Medicare, Medicare will cover a physical, which is intended, of course, to pick up things that can get an awful lot worse as time goes on. It certainly will result in a lot of savings of money. But the point of the matter is that, hopefully, it will result in a better quality of life for that particular beneficiary because you are picking up something early.

It also provides for much better access in rural areas. One of the fears that Medicare beneficiaries have, those that have retired or their families are retired from some of the larger companies that have given them tremendous retirement coverage, particularly in health care, there is concern as to whether or not they would lose that particular coverage in spite of the fact that over the last few years, and it has nothing at all to do with this Medicare bill, but something like 40 percent of all coverage has been dropped as the result of the high cost of medical costs. But there is some form of protection in this bill. And an additional preventive health care provision is disease management. And there are other areas in it, but those are the additional things.

So, what are the fears or what are the concerns among the beneficiaries out there? God knows an awful lot of Members of this body are certainly working on those fears and on those concerns. Many are concerned that they will lose their traditional fee-for-service coverage. We keep harping on the fact that the bill does not take away that option from them. They can retain traditional fee-for-service and not do anything at all regarding this piece of legislation. There is nothing mandatory whatsoever about it. They can retain fee-for-service and decide to additionally pick up this legislation. So they have the best of two worlds, if you will, if they are in love with the traditional fee-for-service plan that they now have.

I have already said it is not a mandatory plan. People can keep exactly what they have. We have placed money in there to try to encourage employers to keep from dropping. Something has been happening, like I have already said, something like 40 percent over the past few years have already dropped their plans. But we have put some seed money in here, if you will, if you can call $80 billion seed money, to keep employers from dropping plans, and, of course, better accessibility to rural areas.

Mr. Speaker, the history of, let us say the other party, the Democrats, insofar as prescription drug coverage is concerned, is that back in 1999, during the 106th Congress, my friends from the left introduced a bill for prescription drugs, H.R. 1495, which they called the Access to Prescription Medications Act of 1999. Given this legislation, I am puzzled as to why they are having so much difficulty with the benefits in our bill. Why are they having so much difficulty with those benefits? What did that bill, led by the gentleman from California (Mr. STARK), the gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), et al, offer?

It offered a $200 deductible. It offered a 20 percent cost sharing up to $1,700. It offered catastrophic coverage after $3,000 out-of-pocket. I would ask Members of Congress, through you, Mr. Speaker, to relate those particular provisions with what we are doing in this bill. And there was no defined premium. The program would have used PBMs, which is what we call pharmacy benefit managers. They take issue with that in our bill, but this is what they would have done. Now, you may ask how a PBM would have been selected? How? By competitive bidding, no less. Furthermore, the contracts would be awarded on, among other things, shared risk, capitation or performance.

I make these points, Mr. Speaker, to highlight how far we have come and how obvious it is that Democrats simply want to play politics with seniors' medication needs. Now, the bill they had was not perfect, and I have already said, nor is ours. But what I am wondering about is if it was good enough for them in 1999, what is wrong with it in 2003 when this legislation passed?

I would also be remiss not to address the notion that some of the fatal flaws in their legislation back in 1999 is that they would have placed numerous onerous requirements under the winning bidder, which would have likely raised drug prices for seniors.

In 2000, the Democratic budget substitute for fiscal year 2001, offered by the gentleman from South Carolina (Mr. SPRATT) their ranking member on the Committee on the Budget, included $155 billion for a Medicare prescription drug benefit. All of their leading leaders over there supported this figure. Our bill is at $390 billion, $395 billion, depending on what figure you want to believe. They had $155 billion. We are well over twice that.

In 2001, the Democratic budget substitute for fiscal year 2002, offered by the gentleman from South Carolina (Mr. SPRATT), upped the ante and called for a $330 billion reserve fund to help create a Medicare prescription drug benefit. Their leadership all supported that figure.

I wish I could tell you what the Democrats support in 2002 and their fiscal year 2003 substitute, but I cannot, because they did not offer one. Of course, that did not stop them from offering a $1 trillion benefit during committee consideration of H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002.

The fiscal year 2004 budget resolution offered, Mr. Speaker, by the Democrats this year, does not reference a specific dollar figure regarding Medicare modernization and prescription drugs. It just says that the cumulative effect of Medicare reform and programs for the uninsured cannot increase the deficit by more than $528 billion over a 10-year period. Yet they still busted their own budget by offering a drug bill that CBO estimated would cost, what? $1 trillion.

So I think, Mr. Speaker, the point here is obvious. No matter what Republicans commit to Medicare reform and prescription drugs, the Democrats will always outbid us in an attempt to scare seniors and score political talking points. Unfortunately, for them, the Republican majority, along with President Bush, has put $400 billion on

the table to craft a prescription drug benefit that will greatly assist our Nation's seniors. And that is why it was endorsed by AARP and a long list of others that I might read into the record as time goes on.

Mr. Speaker, I will now yield at this point to the gentleman from Pennsylvania (Mr. GREENWOOD), a member of the Subcommittee on Health to supplement and complement my remarks

Mr. GREENWOOD. Mr. Speaker, I thank the chairman for yielding to me, and I thank him for hosting this special order. I worked with the chairman and other members of the Republican conference for years to try to bring this prescription drug benefit into law. And while I did, there were two images that I kept in my mind that drove me as many long hard nights as it took to get this legislation passed.

One of them was a letter I received from an 86-year-old woman that was handwritten several years ago. I do not know if she is still alive, but she described in detail how she has to take six medications. She had no prescription drug benefit whatsoever. She had to pay for those medications out of the little meager Social Security check that she received. And she said to me in this letter that she can barely afford, but she could manage to buy her heart medicine, because that she needed or she would not stay alive. She would die. She could scrape enough money to pay for the medicine that kept the diabetes she was suffering from from killing her.

She was able to get blood pressure medicine that she needed to stay alive, and even pay for the cholesterol-lowering drugs. But she had no money left for the medication that she needed to end her pain from arthritis, and she had no money left to end the emotional pain she suffered from her depression.

So there she was, in a dilemma: Able to pay for the drugs necessary to keep her alive, but not able to pay for important drugs that would make her life worth living.

The other image that I recall vividly is that in one of my offices in the district there is a watchman, a security guard. An elderly gentleman. A wonderful fellow. And every time I walk through the doors, I would go past his desk. And particularly years ago when my daughters were younger, he would always give me two lollipops for my daughters. And he would say, How are you guys in Washington doing on that prescription drug benefit? Because my wife is very ill and she needs so much medication, and we have no benefit. And the reason I have to work at my age is just to make enough money to try to pay for her drugs. And every day I would say, we are working on it, we are working on it, we are going to get it done. And I would almost be afraid to go in a week later and say we had not succeeded.

In fact, we passed a prescription drug benefit in this House in the year 2000. We did it again; it died in the Senate. We did it again in 2002; died in the Senate. Finally, in 2003, we got the bill passed in the House, as we all know by one vote. The Senate passed it with bipartisan support and the President signed it. And finally, finally, after all of these years, after seniors waiting for nearly 40 years for a prescription benefit, we have created it.

Now, what happens? We are subject to criticism night after night. As I am working in my office, I am looking on the monitor watching C–SPAN and I see some of the Democrats on the other side railing and railing against the prescription drug benefit, which, as the chairman just pointed out, amazingly, amazingly, the most liberal Members of the Democratic party had, not too long ago, introduced a bill that did precisely the same thing; used precisely the same mechanisms.

The problem is, they have a political problem. The political problem they have is that the Democratic party has always said, oh, we are the party that loves the senior citizens. We are the party that will deliver them the benefits under Medicare. But they failed. And they failed for all of the time in which they had control of the Congress. And it kills them that it was a Republican House and a Republican Senate and a Republican President that actually got it enacted in law. It is driving them crazy.

So what do they do? They have no choice but to come and trash the very bill that parallels the bill they introduced and try to scare senior citizens into not taking advantage of it. In my district, we hold meetings to explain the new Medicare drug card so seniors understand it. But in the districts of those who come to the floor and oppose it, there is no one there to even help them. Their Congressperson and staff does not help the seniors to understand and navigate the system.

Fortunately, the Medicare program over at CMS has a wonderfully helpful Web site that seniors can go to. They just go to the Web site, and if they do not have access to a computer, they can go to a library or a senior center and get help there. They put in the drugs they take, and they look at the variety of discount cards and pick the one that is best for them.

But it is when you do something, it is when you actually accomplish something and get it done that you are subject to criticism. It is hard to criticize someone in detail about something they never accomplished. We got the job done, so we suffer the criticism. That is fine. The bottom line is that the seniors and those who are physically disabled in America now have the benefit.

The full benefit could not come overnight. You cannot go from zero to 100 miles an hour overnight. You have to set up a system. So we have this interim period with the drug cards. If you are poor, $600 of free drugs and a discount.

□ 1915

If you are not poor, you get the discount; and you get a discount tailored to your needs.

In January of 2006, the full benefit becomes available to every Medicare recipient, every elderly person, every disabled person in the country, a historic occasion, a historic occasion for this country. Finally, everyone in America in those categories will have access to a first-rate pharmaceutical program.

I am proud to say that in Pennsylvania my constituents in my State will have the best program in the country, because what we did in Pennsylvania is we made sure that the Pennsylvania Pace Program, which is now spending $400 million a year, dollars derived from our lottery, that $400 million a year is no longer going to be needed to pay for drugs for the poor people in Pennsylvania, because our Medicare program will do that.

So now with that extra money, we are going in Pennsylvania to be able to fill in some of the shortages in coverage, the so-called doughnut hole, and be able to pay some of the shared cost for our recipients. The people in Pennsylvania will have an exquisitely generous program, and people across the country will have a very good program beginning in January 2006.

I am proud to have worked so hard to gain the success. I am proud of the chairman, the gentleman from Florida (Mr. BILIRAKIS), for his work; proud of the President for supporting this bill and signing it; and I think it is high time that instead of fear-mongering for political purposes, every Member of Congress ought to get on with the business of encouraging their seniors back home to take advantage of this program. It is in their interest to do so and explain to them how it is to their benefit to do so. That is public service. Public service is helping the elderly and the disabled in their district get access to a very helpful program. It is not public service to simply malign the program for political purposes.

Mr. BILIRAKIS. Mr. Speaker, I thank the chairman, the gentleman from Pennsylvania (Mr. GREENWOOD). He has worked hard; and he has been a real leader on this subject and, frankly, on all health matters, because I chair the Committee on Energy and Commerce Subcommittee on Health, and he is a very vocal and active member of it.

I would like to say that we have heard all sorts of arguments against what we have done. The doughnut hole, which is a gap in terms of dollars and what benefits can be acquired during that time and before and after that, the Democrats, as I have already said, have in their 1999 bill a $200 deductible and they had a cost sharing up to $1,700 and then catastrophic coverage after $3,000 out of pocket. So they had a doughnut hole from $1,700 to $3,000. We also have a doughnut hole because of the limited dollars that were available.

Our doughnut hole goes from $2,250 to $3,600. So they had a $1,700, as I understand it, as I interpret it, up to $3,000; and we have a doughnut hole from $2,250 up to $3,600. So we learned about the doughnut hole from them.

I would now gladly recognize the gentleman from Texas (Mr. BURGESS) to talk more specifically about the Medicare-endorsed prescription drug card program, because as the gentleman from Pennsylvania (Mr. GREENWOOD) has already shared with us, the prescription drug provisions go into effect in January of 2006. So during that interim period of time, we wanted to be able to afford some help to the potential beneficiaries, and that is where the discount card program came into effect.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding the time and especially for his leadership in calling this hour this evening, because I do think it is so important that we get the word out, that we get the story out to seniors across the country of what is available.

Mr. Speaker, I sat on the floor of this House in January of 2003 and heard the President deliver the State of the Union message, the first State of the Union message that I had ever heard as a United States Congressperson; and the President said in that State of the Union message that the Medicare prescription drug benefit was so important that it would not wait for another President, and it would not wait for another Congress.

True to his word, he proposed legislation that worked its way through two committees and came to the floor, just about a year ago, the end of June 2003. We voted on the conference report in November, and the President signed it into law in December. And this bill provided what has been the missing link in Medicare for the past 38 or 39 years, and that is a prescription drug benefit.

Now, Mr. Speaker, I was in my former life a simple country doctor, a practicing physician. I was not around when Medicare first came along; but back in those days, if a senior faced a hospitalization or a doctor bill, those would be the primary medical expenses that he could expect to encounter; but nowadays, we can do so much more with prescription drugs.

Back in 1965, it perhaps was not important to have a prescription drug benefit, because there were only two medications, antibiotics and corticosteroids, and they were interchangeable; but now we can do so much more with prescription drugs.

In January 1, 2006, the prescription drug benefit is going to come online; but between now and then, starting the first of this month of June of 2004, until that January 1, 2006 date, the prescription drug discount card is going to become available; and for the first time, for the first time seniors will have available to them complete transparency in the marketplace. They can call 1–800–Medicare. They can log on if they have the Internet or have their grandchildren log on for them to www.medicare.gov.

You need to know a couple of things before you make that telephone call or before you log on. You need to know your ZIP code, and you need to know the medications that you are taking and the dosages that you are taking.

You do need to know the specific medication names. It will not do to say that I have a little white pill in the morning and a little green pill at noon. You have got to know the specific medication names, but that is not that difficult.

If you have those pieces of information, you can log on or call the 1–800 number, and get information that never before has been available to any group of consumers buying drugs in this country. That is, you can get very powerful market-driven transparent information about what the costs of drugs are.

Mr. Speaker, what we have found in the first few weeks of this program is indeed the cost of drugs on those programs has come down as that transparency has worked its magic in the marketplace. I believe it was important to offer this discount prescription drug card as a transitional benefit. The chairman has already correctly pointed out that you cannot just start up with that part B Medicare that is going to be coming online in 18 months, but this is also giving us an opportunity to make sure that benefit when it comes online on January 1, 2006, is going to be the best benefit possible and there is going to be an enormous amount of data that is accumulated during that 18 months' time.

Seniors starting the first of this month, June, so they can already be going onto the Medicare Web site, www.medicare.gov, or call 1–800–MEDICARE and enroll for a prescription drug discount card. They can either be walked through the process on the telephone or take themselves through that process online, but what they will get at the end of that interview or the end of that online session is a printout of what prescription drug cards are available in their market and what the costs of those cards are.

By law it can be no more than $30. Many of those cards cost less than $30, and some are at no charge at all. Then they can comparison price. Do they want to shop at their neighborhood pharmacy, or do they want to use a mail order pharmacy? That pricing information will be available to them on that printout that they received at the end of the online session or calling into the 1–800–MEDICARE number. Mr. Speaker, it is easy. I did it myself. My hope is that as this process goes forward that caregivers, doctors, nurses will help patients with that; if patients are unsure how to negotiate the system, caregivers will help them chart those waters themselves and find out for themselves what the benefits for seniors out there are.

A very important part of this, and the chairman has already alluded to that, it was important to cover the people who were sickest and the people who were poorest. Of those seniors who are at 135 percent of the Federal poverty level, there is going to be a $600 subsidy available this year, right now, on the prescription drug card, and there will be a similar benefit available next year. In fact, since this year is relatively short, what is left with this year, if there is money not used from that $600 benefit, it will roll over into next year. So there is basically a $1,200 benefit for the 18 months between now and the time the prescription drug card comes online.

Again, Mr. Speaker, I would stress, this is a competitive, market-based solution that is available. It is the first time for any group of purchasers of prescription drugs that they are going to have the power of that transparency in the marketplace. I think we are going to find a number of good things come from that. I for one am very proud to have been part of the process. I realize that I came late to the table, but I appreciate very much having been here last year and watching that process through to its fruition.

Mr. BILIRAKIS. Mr. Speaker, day after day we hear a good deal of criticism about many aspects of this new Medicare discount card that the gentleman from Texas was referring to. We hear, of course, criticism about the entire thing, but particularly that. Some will say that the savings are not large enough. To that I would say that the savings available through these cards, and, more importantly, as the gentleman from Texas said, the $600 per individual transitional assistance for the poorest of our seniors, are a heck of a lot better than what many seniors were getting before this Congress and this President acted to provide Medicare beneficiaries with prescription drug coverage. I have always maintained, I have already said it, that since we have limited resources available to us, we should target our resources to those who need help the most, the poorest and the sickest. The transitional assistance available under these cards will provide a lot of help to an awful lot of people.

Mr. Speaker, I am aware that other Members will argue that the high number of drug discount card sponsors will needlessly confuse seniors. We have had a presentation, and there are a large number. Granted there is some confusion there. The system still has a few kinks that need to be worked out. I agree that some beneficiaries will need extra assistance in choosing the card that is right for them. But, Mr. Speaker, I would enter into the RECORD here a 1966 article in The Washington Post that is entitled Medicare Bug, Thousands Fail to Pay Premiums. It

goes on to say, Thousands of elderly workers have gotten off to a bad start with Medicare by failing to pay their premiums on time. The Social Security Administration has reported delinquency rates for the $3-a-month payments are running as high as 50 percent in some parts of the South, a spokesman said. Nationally it is about 30 percent. The payments were due July 1. The slow payments, it goes on to say, represent only one of several bugs to appear in the massive machinery of Medicare during its first 6 weeks of operation. It goes on to say, however, the program generally is working better than expected and an official said, he is quoted in here, We think there is some confusion.

There was confusion in the mid-1960s. If the Congress had taken a look at that confusion and all those problems and whatnot and done what so many in this body on the other side of the aisle do, complaining about it and calling it names and trying to discourage the seniors from going into it, we would not have Medicare today.

[From the Washington Post, Aug. 21, 1996]

MEDICARE ''BUG,'' THOUSANDS FAIL TO PAY PREMIUMS

(By Philip Meyer)

Thousands of elderly workers have gotten off to a bad start with Medicare by failing to pay their premiums on time the Social Security Administration has reported.

Delinquency rates for the $3-a-month payments are running as high as 50 per cent in some parts of the South, a spokesman said. Nationally, it is about 30 percent. the payments were due July 1.

The slow payments represent only one of several bugs to appear in the massive machinery of Medicare during its first six weeks of operation. However, the program generally is working better than expected.

The problem of delinquent payment affect only the group of 2 million Medicare beneficiaries who are still working. Those who have retired have the monthly $3 checked off their retirement benefits.

Elderly workers who signed up for Plan B, the part of Medicare that covers doctor bills, were billed for $9 to cover the program's first three months. Payments of $3 or $6 also are accepted.

3 MONTHS GRACE PERIOD

No one has yet lost any benefits for failure to pay, a Social Security spokesman said. The grace period is three months.

Biggest lag in premium payments is in Southern States, where as many as 50 percent of the beneficiaries who are supposed to pay in cash failed to send in the money on time.

''We think there's some confusion,'' an official said.

The $3 premium is matched by another $3 from the Federal Treasury to support the program. It pays 80 percent of doctor bills after the first $50.

That $50 deductible is also causing some confusion, the official reported.

''Some people thought they had to pay the first $50 charged by each doctor they saw,'' he said, ''Others thought it was a premium they had to pay whether they needed a doctor or not.''

As the rule actually works, the $50 deductible must be met only once in each calendar year.

Another problem reported to the Social Security Administration headquarters by district offices is that many people who turn 65 are late in signing up for Plan B.

SHOULD JOIN BEFORE 65

Those who wait for their 65th birthday to enroll miss the first month of eligibility. The proper time for joining is from one to three months before the birthday.

Once enrolled, many persons have caused themselves unnecessary inconvenience by becoming ''overly protective'' of their Medicare cards.

The wallet-sized cards are issued to identify beneficiaries to doctors and hospitals. Some people are so afraid of losing them, they have rented safe deposit boxes to store them in. Others have sent them to sons or daughters in distant cities for safekeeping.

''The card isn't all that important,'' the Social Security spokesman said. ''It's nice to have, but losing it won't keep you from getting benefits. The worst that can happen is the inconveniences of apply for a new card.''

Mr. Speaker, I would also say in that connection, there are companies which have already said that they would offer pharmacy assistance programs around the low-income subsidy for the drug card. So once these poorest seniors among us use up that $600 that they have available, the $600 per individual, $1,200 per couple, these companies have come into the picture and said they would go ahead and not charge them anything extra.

Merck. Under the Merck program, once a beneficiary has exhausted his or her annual $600 traditional assistance allowance, Merck will provide its medicines free to that beneficiary's participating discount card plan.

Johnson & Johnson. After Medicare beneficiaries who are eligible for the government's $600 transitional assistance allowance have exhausted this benefit, they can receive medicines made by Johnson & Johnson-operating companies free of charge.

Eli Lilly will partner with government-approved programs to make the LillyAnswers program available to seniors with incomes below 200 percent, considerably better than just the real low-income, below 200 percent of the Federal poverty level and who do not currently have prescription drug coverage.

Abbott will partner with drug-discount cards approved by the Centers for Medicare and Medicaid Services to offer Synthroid tablets for $5 per monthly prescription. It goes on and on.

Pfizer. The Pfizer Share Card program provides qualified low-income Medicare beneficiaries, those with gross incomes less than $18,000 single and $24,000 couple, with access to up to a 30-day supply of any Pfizer prescription medicine for a flat fee of $15 per prescription.

As a result of what we have done here, we have partnered with an awful lot of the pharmaceutical companies.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS), another terribly valuable member of our committee.

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Mr. SHIMKUS. Mr. Speaker, I thank the chairman for yielding to me, and I appreciate this special order.

I will be brief. I know I have got colleagues here on the floor who also want to address this issue.

Sometimes in this whole Medicare prescription drug debate, we focus on the prescription drug benefit, and I am glad we do because it is the first time we have ever offered real help to seniors, especially the poor, those in need. And I was talking to a group of homecare folks on Saturday morning at their in-service and educating them on the 1–800 number and the www.medicare.gov so that they can help their clients access this needed program.

So that is what we have got to continue to do, and that is what I hope all of my colleagues, whether they were for the bill or against the bill, if they are for their seniors, they ought to be educating them on the benefits of this package.

But, also, before I even go on the Medicare prescription drug debate, I always tell the folks in rural Illinois, and I represent 30 counties south of Springfield down to Indiana and Kentucky, that in this bill is the best rural package for hospitals ever passed.

And that is why we have got a good bipartisan vote by some Democrats who represent rural America and realize that in the debate on funding aspects, there was always the concern, well, if it is rural, it must cost less so we can pay less. But when we talk about buying the needed high-tech fancy equipment that is needed today and they do not have the buying power of a major network, those pieces of equipment come almost more costly than they would if they are buying multiple copies of this equipment.

So for anyone who represents rural America, this bill was a huge victory in making sure that our rural community hospitals can operate and keep their doors open. And I want to thank the leadership of the chairman to make sure that that was part of the package.

The other thing that I am very excited about and I like to talk about it all the time because I want feedback from my constituents. In fact, Bob Ney, who is the mayor of the District of Columbia, he is our mayor, I have asked him countless times to make sure that we get options for health care and insurance packages, do your best to make sure we have a health savings account provision that we ourselves can look at as part of our buying options and your working options for our insurance. The health savings accounts are probably, I think, our last great chance to reform an entitlement system and get individuals back in control of their buying decisions and costs. Making health care decisions based upon quality service, timeliness, people they like, and cost.

What has happened, in my humble opinion, because I am not an expert in this field, is that we do not know what we are paying for health care delivery and services, and we do not know actually who is paying and how much they

are paying because there are multiple levels.

I have got a farmer in my district that has moved to a health savings account plan, and he is saving $10,000 a year on his catastrophic plan. And the deductible portion, which, if he does not use or even if he uses a portion of that, that can roll over. Think of the great benefits to young kids getting married now. This health savings account, if it is going to be offered and if they take advantage of that, having that tax-free savings continue to roll over and what it will do in the buying decisions and costs, and they are shopping around for the basic health care services, eyewear, dental visits, things that now are put in this big pool of insurance that some offer and some do not. If they need it, they have got it. If they want the preventative care, go get it. It is going to save money in the long run. And the more money one saves in this health savings account, the more that rolls over in the next years.

So I want to thank the chairman for letting me butt in line, and I want to thank my colleagues for allowing me to do that. I would ask our colleagues, when we talk about the benefits of the Medicare prescription drug bill, spend time on the prescription drug benefit. It is a great benefit and people should take advantage of it. But look at other portions of the bill. For the rural hospitals, we did great. And the future of getting people back in control of their health care costs and decisions on their health care savings accounts, I am hoping that it is everything that it is going to be advertised to be.

And I am asking people to let me know if it is doing what we think it should do because no piece of legislation that we pass here on the floor of the House is perfect. We all know that. We will get another look at it. We will have hearings. We will try to reform and adjust. And we only do that by getting good feedback from our constituents.

Mr. BILIRAKIS. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) to continue on this subject.

Mr. GINGREY. Mr. Speaker, I would, first of all, like to thank the chairman of the Health Subcommittee of the Committee on Energy and Commerce and the committee members who are bringing this hour to us tonight on such an important subject.

When we passed this bill in December of 2003, this was a bipartisan bill. This is a bipartisan Medicare plan. There were Members on both sides of the aisle, my colleagues, who usually sit on the right, the Democrats, who usually sit on the left, there were those on the right who opposed who felt that this bill, the $400 billion, or maybe it is $500 billion, was too costly, that we just simply wanted to do it but could not afford it to. And I think some 24 or 25 of my Republican colleagues voted against the bill because they just did not think we could afford it.

On the other side of the aisle, the Democrats, some voted for the bill, but those who opposed it opposed it because they did not think we were doing enough, that we were not spending enough. And they kept talking about the doughnut and the hole in the doughnut and emphasizing, Mr. Speaker, that the hole was too big. And now that the bill has passed, we hear all this what I refer to as ''Mediscare'' rhetoric, and one of the first and foremost ''Mediscare'' tactics about that hole in the doughnut.

We see it on television ads. So they are saying to seniors do not eat the doughnut. Do not eat the doughnut. Eat the hole. And I can tell people the hole has no taste, it has no calories, it has nothing because there is nothing there. And I think it really is unconscionable, particularly in regards to this interim program, the Medicare discount prescription card program to suggest to seniors or to advise them not to sign up for the prescription card.

Mr. Speaker, I cannot think of any reason, not one reason, for a senior to not sign up for their prescription discount card. The benefits are tremendous for those who need it the most. And we have heard my colleagues speak about the $600 credit not just one time but 2 years and that can roll over into the next year.

So a senior might have as much as $800 the second year of credit, not to mention the 15 to 20 percent overall discount, not that some discounts may be higher on certain drugs and lower on certain drugs but overall a 15 to 20 percent discount.

And I say this, Mr. Speaker, to my seniors when I when I do town hall meetings in the 11th district of Georgia, South Cobb County and 16 counties of West Georgia, and we talk about this, and I say to them take advantage of this discount card. The most it can cost them, the most it can cost them, is $30; but if they are a low-income senior and they are eligible for the $600 credit, if their income is below 135 percent of the federal poverty level, and there is no assets means testing, it is just strictly based on income, and they are eligible for that, then they get the $600 credit, and they pay nothing for their card, and they get that 15 to 20 percent discount on each and every medication on an average that they purchase. I mean it is an opportunity for anyone. Whether they voted against the bill because they thought that it was too expensive and we could not afford it or whether they voted against it because they thought we were not doing enough, I say that it is unconscionable to advise those seniors not to sign up for the prescription drug discount card.

There are other things, and I do not want to take up too much of the time that the chairman has been so kind to allot to me tonight, and I know there are other speakers that are coming, but that is just one of these ''Mediscare'' tactics. And the other one, and I will just briefly mention that, is this idea of this Medicare plan, prescription drug plan and Medicare modernization, is nothing but a giveaway to the pharmaceutical industry. We have heard that. I know all my colleagues have heard that, and hopefully people listen and will understand as I explain why that is so fallacious. If that were true, if the new Medicare part D prescription drug plan was nothing but a giveaway to the pharmaceutical industry, then one could certainly say the same thing about part A and part B, going back to 1965, as the chairman did earlier in his remarks.

Part A, of course, one could say was nothing but a giveaway to the hospitals, and one could equally say that part B was nothing but a giveaway to the doctors because after all, they are the ones who provide the services under part A and part B respectively. But talk to any of them, and, believe me, they will say very quickly that it is hard to see Medicare patients and provide that care, and in many instances they are doing it out of the goodness of their heart. The pharmaceutical industry certainly will sell more drugs, but they will sell them cheaper, just like an automobile dealer who sells 100 new cars a month can sell them cheaper than if he just sells 10. And that is what is happening. That is what is going to drive these prices down.

Mr. Speaker, I love to come before my colleagues and talk about this bill. We are in the interim phase now, the prescription drug discount card. Again, I can think of no reason why a senior should not sign up for that and take full advantage of it. In a year and a half, there may be some seniors who will have a better plan. Nobody will be forced out of Medicare as we know it, traditional Medicare. It is a choice. But this is a good bipartisan bill, and it is time to stop all the politicking and the rhetoric against it and let the seniors take advantage of something that this President and this Congress have finally delivered on.

And I thank the chairman so much for giving me the opportunity to be with him tonight.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I very much appreciate particularly the gentleman's emphasizing the discounts because fortunately for America's seniors, and we will not hear this from the other side, the principles of competition that drive this new benefit are already showing real, real results. And CMS found during the first week, and I am talking about the first week in May now, the first week in May, which was really when all this started in terms of posting prescription drug discount card pricing information, et cetera, the CMS found that the discounted prices available through the program had already fallen 11½ percent for brand names and 12½ percent for generics over that first week.

I do not know what the current picture is. I have not looked into that.

But the fact of the matter is we can see what will happen here with competition. And these discounted prices are already less, already less, than what seniors without drug coverage are paying for their medications.

And that is why, Mr. Speaker, it is so disappointing that some continue to demagogue this issue. When I learn of a partisan analysis, if you will, of the prescription drug discount card benefit that concludes that the program is a failure, before a single beneficiary uses the card, before a single beneficiary uses the card, it makes us all wonder. But I guess we do not have to wonder too much. Scare tactics are designed to frighten, to confuse seniors. That will only ensure that some beneficiaries would choose, as the gentleman from Georgia (Mr. GINGREY) said, not to access a benefit that could save them hundreds, if not thousands, of dollars annually.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. SULLIVAN) to continue on in this conversation. Newly added to the Committee on Energy and Commerce, I am very proud to say.

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for all his work on this very important measure.

Unfortunately, the chairman is right, how this gets demagogued. I go back to my district, and seniors are excited about this, but unfortunately they get things in the mail and they hear all this misinformation. And this is a great bill. This is a historic measure and something that is very important.

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Mr. Speaker, I would like to bring to your attention an often overlooked provision in H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003, that will better the lives of America America's seniors.

As a result of the Medicare reform law, Medicare beneficiaries will receive an expansion of coverage that will help them to prevent and manage many life-threatening diseases, such as cancer, diabetes and cardiovascular disorders, without incurring large medical bills.

For instance, H.R. 1 provides for an extensive initial medical preventative physical examination. This free exam includes measurements of height, weight, blood pressure and an electrocardiogram. Health care professionals will be on hand during these physicals to offer education, counseling and referrals related to other preventative services covered by Medicare. These preventative services include but are not limited to vaccinations, screening, mammography, prostate and colon cancer screening, as well as cardiovascular and diabetes screening.

It is worth noting that cardiovascular and diabetes screening tests do not have deductible copays, so beneficiaries do not have to incur any cost. This is an additional incentive for those with limited resources to go to the doctor and have these vital tests performed so that these diseases can be detected as early as possible.

Many of these diseases, if caught early, can be treated and effectively managed resulting in far fewer serious health consequences. Such conditions as obesity, diabetes and heart disease could be far less severe for millions of Medicare beneficiaries. These are diseases that are impacting millions of Americans every year.

For example, approximately 129 million U.S. adults are overweight or obese. Additionally, an estimated 18 million, or 6.2 percent of the United States population, have diabetes. This is not to mention the fact that heart disease and stroke are the first and third leading causes of death in the United States. In 2003 alone, 1.1 million Americans will have a heart attack.

By providing an initial physical examination for all newly enrolled Medicare beneficiaries, seniors and disabled Americans will have an opportunity to discuss with their physician the importance of preventative care and living a healthy lifestyle. These examinations will not only save lives, but also save the United States Government hundreds of millions of dollars, as catching these diseases early lessens the cost of treatment.

One program that will help many seniors towards the realization of a better quality of life is the Chronic Care Improvement Program, which was announced as a pilot project by CMS in April. It establishes and implements a Chronic Care Improvement Program under fee-for-service Medicare to improve clinical quality and beneficiary satisfaction, while also achieving spending targets for beneficiaries with certain chronic health conditions. This program will help patients manage their diseases in a way that will help improve case outcomes and patient care when they need it most.

As a member of Speaker HASTERT's Prescription Drug Task Force, I have spent many hours meeting with senior citizens and listening to their concerns. I know the Medicare reform law we passed in November is already having a positive effect on many seniors as they are seeing their drug prices fall and their health improve.

We should all be proud of the fact that we delivered our promise to seniors to give them a prescription drug benefit. We should also be proud about giving them an opportunity to live happier and healthier lives in their golden years by expanding their benefit to include the prevention and management of serious diseases.

Thus, it is my sincere hope, Mr. Speaker, that more American senior citizens will take advantage of the prescription drug benefit, as well as the preventative service Medicare offers, as they could truly help prolong millions of people's lives.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman.

Before I yield again to Mr. GREENWOOD, I have in my hand four pages worth of supporters of the Medicare conference report. These are all patient groups. I am going to read off just a handful of the long list:

AARP; ALS Association; Alzheimer's Association; American Autoimmune Related Diseases Association; American Diabetes Association; Arthritis Foundation; Coalition to Protect America's Health Care; Coalition to Protect Health Care Access; Cuban-American National Council; Epilepsy Foundation of Florida; Florida Coalition on Hispanic Aging; Hepatitis C Global Foundation; Kidney Cancer Association; Latino Coalition; Mental Health Association of Central Florida; Montel Williams Foundation; National Alliance For Hispanic Health; National Alliance For the Mentally Ill; the National Council on the Aging; Polycystic Kidney Disease Foundation; Robbie Vierra-Lambert Spinal Cord Organization; Sickle Cell Disease Foundation of California; 60-plus Association; United Seniors Association; We Are Family Foundation; Women Heart Group.

This is just a handful of the long list here, Mr. Speaker, which I will include for the RECORD.

GROUPS SUPPORTING THE MEDICARE CONFERENCE REPORT

PATIENT GROUPS

AARP
ALS Association
Alzheimer's Association
Alzheimer's Association, Mid South Chapter
American Autoimmune Related Diseases Association
American Diabetes Association
American Sepsis Alliance
Arthritis Foundation
Coalition to Protect America's Health Care
Coalition to Protect Health Care Access
Cuban American National Council
Epilepsy Foundation, Florida
Erin K Flatley Foundation
Florida Coalition for Access to Quality Medicine
Florida Coalition on Hispanic Aging
Florida Drop-In Association
Hepatitis C Global Foundation
International Patient Advocacy Association
Kidney Cancer Association
Larry King Cardiac Foundation
Latino Coalition
Louisiana Community Volunteers Association
Louisiana Progressive Alliance
Louisiana Safe Neighborhood Action Plan
Louisiana Women's Network
Loving Others Together Foundation
Mental Health Association of Central Florida
Montel Williams MS Foundation
National Alliance for Hispanic Health
National Alliance for the Mentally Ill
National Alliance for the Mentally Ill—Kansas
National Alliance for the Mentally Ill, Idaho
National Art Exhibitions By The Mentally Ill, Inc.
The National Council On The Aging
National Right to Life Committee, Inc.
Polycystic Kidney Disease Foundation
Prevent Blindness Ohio
Pueblo Health & Educational Programs
RetireSafe.org
Robbie Vierra-Lambert Spinal Cord Organization

Sacramento Hepatitis C Task Force
Seniors Coalition
Sickle Cell Disease Foundation of California
Sickle Cell Foundation of Florida
60 Plus Association
TMJ Society of California
United Seniors Association
We Are Family Foundation
WomenHeart

HEALTHCARE ORGANIZATIONS

AAHP–HIAA
AdvaMed
Aetna
Alliance for Aging, Florida
Alliance for Quality Nursing Care
Alliance of Specialty Medicine
Alliance to Improve Medicare
American Academy of Dermatology Association
American Academy of Family Physicians
American Academy of Ophthalmology
American Academy of Pharmaceutical Physicians
American Association of University Women, Louisiana
American Association of Clinical Endocrinologists
American Association of Neurological Surgeons
American Association of Nurse Anesthetists
American Association of Orthopedic Surgeons
American College of Cardiology
American College of Cardiology—MI Chapter
American College of Emergency Physicians
American College of Obstetricians and Gynecologists
American College of Physicians
American College of Radiology Association
American College of Surgeons
American Gastroenterological Association
American GI Forum
American Hospital Association
American Medical Association
American Medical Group Association
American Occupational Therapy Association, Inc.
American Osteopathic Association
American Physical Therapy Association
American Society Anesthesiologists
American Society for Therapeutic Radiology and Oncology
American Society of Cataract and Refractive Surgery
American Society of Plastic Surgeons
American Speech Language Hearing Association
Anthem
Association of American Medical Colleges
BayBio
BIOCOM
BioFlorida
Biotechnology Council of New Jersey
Biotechnology Industry Organization
BlueCross BlueShield Association
California Healthcare Association
California Healthcare Institute
California Hep C Task Force
California Medical Association
Cardinal Health
Catholic Health Association
Cigna
Coalition for a Competitive Pharmaceutical Market
Coalition to Ensure Patient Access
College of American Pathologists
Colorado Bioscience Association
Congress of Neurological Surgeons
Disease Management Association of America
eHealth Initiative
Federation of American Hospitals
Florida Academy of Family Physicians
Florida Hospital Association
Florida Osteopathic Medical Association
Generic Pharmaceutical Association
Healthcare Institute of New Jersey
Healthcare Leadership Council
HealthNet
Hep and Vet Action Now Foundation
Highmark, Inc.
Hispanic Health Care Professional Association, Texas Chapter
Hospital & Healthsystem Association of Pennsylvania
Humana
InterAmerican College of Physicians and Surgeons
Iowa Biotechnology Association
Iowa Healthcare Access Network
Iowa Medical Society
Maryland Bioscience Alliance
Massachusetts Biotechnology Council
Massachusetts High Tech Consortium
Mayo Clinic
Medco Health Solutions
Medical Society of New Jersey
Medical Society of the State of New York
Medical Society of Virginia
Memorial Regional Health Systems
Missouri State Medical Association
MNBIO
National Association of Children's Hospitals
National Association of Community Health Centers
National Association of Health Underwriters
National Association of Public Hospitals and Health Systems
National Association of Rehabilitation Providers and Agencies
National Association of Spine Specialists
National Hospice and Palliative Care Organizations
National Medical Association
National Rural Health Association
New York Biotechnology Association
Ohio Advocates for Health Care Access
Ohio Hospital Association
Ohio State Medical Association
Oklahoma State Medical Association
Omeris
PacifiCare
Pennsylvania Biotechnology Association
Pennsylvania Healthcare Technology Network
Pharmaceutical Care Management Association
Premier
Private Practice of the American Physical Therapy Association
Rural Hospital Coalition
Scripps Research Institute
Society of Thoracic Surgeons
South Carolina Biotechnology Association
South Florida Hospital and Health Care Association
Texas Health and Bioscience Institute
United Health Group
University of California Health System
Utah Life Science Association
VHA
Wisconsin Biotechnology Association
Wisconsin Healtcare Access Network

EMPLOYERS

3M Company
American Benefits Council
American Chemistry Council
AT&T
Bank of America
BellSouth Corporation
Bituminous Coal Operators Association
California Hispanic Chambers of Commerce
Cargill, Inc.
Case New Holland, Inc.
Caterpillar, Inc.
Cigna
Coors Brewing Company
Corporate Health Care Coalition
Cox Enterprises
Cummins, Inc.
DaimlerChrysler
Deere & Company
Delphi Corporation
Dow Chemical Company
DuPont Chemical Company
Eastman Kodak Company
EDS
Employer Health Care Alliance Cooperative
Employers' Coalition on Medicare
ERISA Industry Committee
Financial Executives International
Fisher Scientific International, Inc.
Florida Hispanic Chamber of Commerce
Food Marketing Institute
Ford Motor Company
General Dynamics Corporation
General Motors Company
Georgia Pacific Corporation
Hershey Foods Corporation
Hewlett-Packard Company
Honeywell
HR Policy Association
IBM
International Mass Retail
International Paper Company
Jostens
Kellogg Company
Louisiana Versai Management
LPA, the HR Policy Association
Lucent Technologies, Inc.
Monsanto
Michigan Manufacturers Association
Motor & Equipment Manufacturers Assoc.
Motorola
National Association of Manufacturers
National Federation of Independent Businesses
National Mining Association
National Retail Federation
National Rural Electric Cooperative Association
Northrop Grumman Corporation
Peabody Energy Company
Pitney Bowes
Pittsburgh Plate and Glass
PPG Industries, Inc.
Printing Industries of America
PSEG
RAG American Coal Holding, Inc.
Raytheon
Rohm Haas
SBC Communications
Sears, Roebuck and Co.
Southern Company
Southwest Florida Hispanic Chamber of Commerce
Sprint
Texas Instruments
The Aluminum Association
The Boeing Company
The Business Roundtable
The Goodyear Tire & Rubber Company
The Timken Company
U.S. Chamber of Commerce
United States Steel Corporation
UPS
Verizon
Washington Business Group on Health
West Virginia Chamber of Commerce

OTHERS

American Legislative Exchange Council
Archer MSA Coalition
California State Association of Counties
Robert Goldberg, Manhattan Institute
New Orleans Coalition
The National Grange
Women Impacting Public Policy

Mr. BILIRAKIS. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from Florida (Chairman BILIRAKIS) for yielding.

Let me say to the chairman, he has had a long and distinguished career in the United States Congress, and I am sure that at the end of that career, the gentleman will look back with pride and say, if he is proud of anything he was able to accomplish in all of the countless 2 o'clock in the morning, 3 o'clock in the morning, 6 o'clock in the morning sessions we have spent here, I would think it would be that you were at the helm when this Congress passed prescription drug benefit for seniors. It is an historic accomplishment, and the gentleman should be proud of it. I know he is.

The other people who are proud of it, interestingly enough, are, as the chairman just said, the AARP, the American Association for Retired Persons, and all of the groups that care and are devoted to the care of patients. So if you are an organization like the AARP, there is no organization more respected by seniors than they, if you are one of the thousands of organizations that are devoted to making sure that people with illnesses get medicine, you are for the bill.

So, how could we imagine that, after 35 years of struggling, nearly 40 years of struggling without success to get a prescription drug benefit, finally the Members of this Congress, the House and the Senate in a bipartisan fashion, with the President of the United States signing the bill, we get it done, we devote half a trillion dollars to these prescription drug benefits, and who in the world would imagine that the reaction would be, from some quarters, let us criticize it. Let us attack it. Let us destroy it.

Let me let you in on a little secret: A Democratic pollster provided some strategic information to the Democratic Party about how to respond to the fact that we had accomplished this great thing as Republicans and they needed a political strategy.

What the pollster said, this is Greenberg Quinlan Rosner Research, Inc., in a Lake, Snell, Perry & Associates memo to the Democratic Party, they said, ''A message of fixing the bill reinforces the AARP message that we have made a good start and might continue to improve it. But that would give the message that the law is not all bad,'' so what she suggested was that we have to ''shift the debate in our favor as the straight negative portrayal of the law.''

So any sort of sensible approach that says, hey, after all these years, we made a great start, let us keep making it better, let us enrich the benefit over time, you do not win the political debate if you do that. So you have to say the whole darn thing is no good, it was done for the worst of reasons, and let us condemn those who tried to make it happen.

It is pretty astonishing hard to believe, hard to imagine that you would come along and spend half a trillion dollars to take care of the prescription drug benefits and needs of the seniors and the disabled, and the response is so negative.

One of the chief critics of the program is the gentleman from Ohio (Mr. BROWN), the ranking member on the committee of the gentleman from Florida (Mr. BILIRAKIS). The gentleman from Ohio (Mr. BROWN) is a friend of mine and a colleague, but he has a penchant for never being able to have a debate. He says you think this way and I think that way, and that is a philosophical debate. He always has to assume the worst of motives.

One of his criticisms is the way this benefit is delivered it through private pharmaceutical benefit managers. We set up a system so various companies can compete in the marketplace to deliver low cost drugs to seniors. What we know is that they are going to want to be able to make some profit on this, so they will go to the drug manufacturers and negotiate hard. ''You want me to cover your arthritis drug, you better give me a darn low price.''

That is the way it works in the marketplace, and they get competition going between the various drug manufacturers to see who is going to give the lowest price. That is why we developed the system that way.

Interestingly enough, every Member of Congress who chooses to receive his or her prescription drug benefit through the Federal Government receives their benefits exactly the same way, private companies. We do not have a special agency full of Federal employees that dispense drugs to Members of Congress, or to the 8 million other Federal employees. Eight million Federal employees, it is shocking that there are so many, but 8 million Federal employees who are eligible to purchase a prescription drug benefit through the government program, they buy it using the exact same model that we have provided for the senior citizens, the exact same model.

Every man and woman in the United States military who participates in the military health programs gets their drugs the same way that we set up for the Medicare program.

Now, the gentleman from Ohio (Mr. BROWN) says no, that is not why you did it. You did not do it because it is efficient. You did not do it because you get the best prices. You did not do it because the private sector can instantaneously put a new drug into the plan, while the bureaucratic process would take months and months to add a new product. He says we did it because of contributions from the drug companies.

I am here to say, as one who has never received a contribution from a drug company, I did it because I believe it is the right philosophical thing to do, it is the right way to benefit the seniors of our country.

Again, Mr. Chairman, I am proud of you for your work on this, and thank you for giving me the opportunity to speak this evening.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman so much for his contribution tonight and all through the years. I would again remind all of us that the PBM, the pharmacy benefit managers, was an idea, an invention of the other party, and we did learn a few things from it. We learned about the gap, if you will, or the donut. We learned about the PBM and that sort of thing. We took the best, I think, of their ideas and cranked them into this and made some minor changes.

Mr. Speaker, this new prescription drug benefit also functions, and this is something I guess we do not talk about as much as we should, as a sort of insurance program, when you stop to think about it.

Most senior citizens that I represent are very risk adverse. One of their great fears is to fall victim to a debilitating illness that will wipe out their life savings and burden their families.

Since prescription medications are obviously crucial to the treatment of a myriad of conditions, it goes without saying that a long-term chronic illness will most likely result in high spending on prescription drugs.

Under this bill, seniors who elect to join the program will pay around $35 per month for their Part D coverage. This premium buys them two things: First, it buys them the peace of mind that if they suffer from a catastrophic illness, that seniors will pay only 5 percent of their medications after spending $3,600 out of their own pocket; insurance, if you will, for if they really get sick. We all have life insurance and all sort of insurances that, God help us, we will never use. We do not complain about it.

Beneficiaries who qualify for low income assistance will not pay anything once they reach this threshold. The others will pay 5 percent after spending $3,600 out of their pocket.

Second, the premium buys them very good first dollar prescription coverage. After meeting the $250 deductible, their Medicare prescription drug plan will pay 75 percent of the drug costs up to a $2,250 limit. I have already said the Democrat plan had it up to $1,700, so we even go above that. Over half of Medicare beneficiaries spends less than this in a year, so for them, this is really a great deal.

Mr. Speaker, the benefits of the bill are clear: Superior assistance for those on fixed incomes, peace of mind for all seniors that a catastrophic illness will not devastate them financially, and excellent first dollar coverage that will benefit millions of American seniors.

There are a lot of folks who want to see this new bill fail. They will say and do most anything to scare senior citizens in their quest to discredit this program. I think they are going to fail.

SPEAKING OUT AGAINST ADMINISTRATION'S RECORD IN COMBATING VIOLENCE AGAINST WOMEN

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

Ms. MAJETTE. Mr. Speaker, I rise today to speak out against this administration's deplorable record in combating violence against women. This administration has shown a very disappointing tendency to ignore the plight of mistreated women, both at home and abroad.

Through actions taken by the President's cabinet, such as Attorney General Ashcroft's refusal to grant asylum to a battered Guatemalan woman, and the President's widespread cuts to domestic violence programs, this administration has much to answer for in its neglect of battered women.

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It is, therefore, all the more important for Congress to remain vigilant and to protect our sisters all over the world from those who would mistreat them.

The American Medical Association estimates that over 4 million women are victims of severe assaults by boyfriends and husbands each year, and about one out of every 4 women is likely to be abused by a partner in her lifetime. In 85 percent of reported domestic violence cases, the victim is female.

Domestic violence against women is clearly an issue that our government must address head-on.

It saddens me to think that millions of women continue to be abused each year, while this administration sits idly by, taking no initiative and, in some cases, decreasing resources available to battered women.

It would shock the conscience of this Nation to know that this administration has placed individuals hostile to women's interests on expert advisory committees, including those responsible for providing advice on domestic violence and reproductive health. It simply reveals a disregard for the National Advisory Committee on Violence Against Women to appoint members to this body who represent organizations that have outspokenly criticized the Violence Against Women Act. Yet that is exactly what this administration has done.

In addition, the President has refused to include protections for battered women in the marriage proposal programs that are integral to his welfare proposal, despite the risk that poor women could be pressured to remain in abusive relationships.

Finally, this administration has proposed funding emergency shelters, crisis hotlines, and other domestic violence intervention services at 26 percent below authorized levels. I am upset by all of these disturbing trends, but the last of them hits close to home.

In the district that I represent, in DeKalb County, Georgia, there is a very successful domestic violence intervention center, the Women's Resource Center to End Domestic Violence. The Women's Resource Center's development has truly been a community effort. Established in 1986 by DeKalb County, the center was originally run by one part-time advocate who led support groups. Now, this center runs nine successful programs, including community education and advocacy, providing free legal services, and a 32-person occupancy emergency shelter. So what message is this administration sending to the Women's Resource Center when it refuses to fully fund such an organization and others like it around the country?

As a former judge, I have seen the damage that domestic violence can cause to women and their children, and that is damage to our community and our future.

In Congress, we can and must do more to ensure that local law enforcement can expeditiously deal with domestic violence. This is why I have cosponsored, and I call on my colleagues to support, the Domestic Violence Courts Assistance Act, which would provide the resources necessary for municipal court systems to develop and establish specialized domestic violence courts. I also urge my colleagues to support the Domestic Violence Screening, Treatment, and Prevention Act. This legislation would establish family violence research and education centers to study and disseminate information on family violence. These centers would then act as a critical support for local community domestic violence intervention centers.

When we read the frightening statistics that illuminate the severity of this problem, how can we not be appalled? We are here as representatives of the American people, representatives of these very women; and what have we done as a Congress to help them? We have the opportunity to create better laws to aid them, yet precious little legislation has been past. We hold the purse strings of the Federal Government, yet we have not provided an adequate level of funding to supply the resources they need to escape their abusive relationships and lead safe lives. It is past time for this administration and this Congress to make a dedicated effort to relieve their suffering. It is never too late.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is a pleasure once again to address the U.S. House of Representatives and the American people and also Members of the Congress. I just want to first say that as my colleagues know, every week, the 30-Something Working Group, under the leadership of the gentlewoman from California (Ms. PELOSI), the Democratic leader, we come to the floor to address the House and the American people to share with them what is going on that is good for young people in America, young working people and families, and also what is not going so well, and come with not only constructive ways that we can make things better for Americans throughout this great country of ours, but also make sure that we point out issues that may harm them in the future or that will harm them.

Tonight, we have the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and also the gentleman from Ohio (Mr. RYAN), who are my partners in this effort. I would be remiss if I did not, number one, say that it is a pleasure being here with the gentleman from Ohio (Mr. RYAN) again. One more week, we made it, another week in America, and also the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who is from the great State of California and who has so much to contribute to our dialogue.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, I think today, with the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), there is a lot more class in this Chamber with her here as opposed to just the gentleman from Florida and me.

Mr. MEEK of Florida. Mr. Speaker, there are a number of Americans who are just holding on to their clicker right now to hear exactly what she has to say and how she says it. I know that the gentlewoman from California has another engagement, and we definitely want to hear from her.

First, I want to just share a few things as an update real quick. We still have the voter suppression issue that is alive and well in America. We have been getting the vote out through the Rock the Vote effort and also a lot of other folks who are out there, making things happen, sharing with young people who are going to be on college campuses this fall, that they can register where they are going to school, whether it be community college or wherever. So we ask them to go do Rock the Vote because we still have a problem with supervisors telling people even in summer terms that they cannot register.

Once again, in 1975, the Supreme Court spoke to that issue saying, you can vote when you go to school so that your voice can be heard in this upcoming election. We have other issues that we will touch on throughout the hour.

Mr. Speaker, I will now yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) to please share with us some of the issues that are important to her. I know the gentlewoman will talk about some news dealing with issues facing young people here in America today.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would join my colleagues a little more often if they

were not up here so late at night. I know that the gentleman has already talked about a number of issues that particularly impact young people in this country. I know that I was here when we talked about the tuition increases and the rising costs of student loans, the increasingly bleak job market for recent graduates. I know that the gentleman talked about the voter suppression issue, and tonight I want to talk a little bit about the men and women who are putting their lives on the line in Iraq and in many places around the globe to protect our country.

Mr. Speaker, we are rapidly coming up to the 4th of July, our Independence Day; and I think it is timely to thank the men and women who sacrifice themselves on behalf of our country.

An interesting statistic that I ran across is that 70 percent of the people serving in Iraq are ages 18 to 30, and that is obviously a big group of young Americans. Unfortunately, while people talk a lot about patriotism and about supporting our troops, unfortunately, what we are seeing under the current Bush administration is that many of the support mechanisms for these men and women, once they come home, are being dismantled. So instead of talking and giving just lip service to how we should be supporting our troops, we should be passing legislation that stops the cuts that the President has proposed, especially cuts to VA health care.

It was not too long ago that I visited, and I have been there on several occasions, Walter Reed Medical Center, which is where the wounded soldiers come after they are stabilized from the theater in Iraq; and I had an opportunity to talk with many young men in the amputee ward, some as young as 19, 20, 21, 22, who are going to need ongoing health care for their injuries. They are going to need job retraining because the jobs that they are going back to they cannot hold anymore. And, unfortunately, what we have seen this government do is cut benefits to VA programs, especially the health care programs, at a time when out of the other side of their mouth, they are saying we need to support our troops.

So I find that there is a level of hypocrisy in what the Bush administration says and actually what they are doing. I tell people all the time, the measure of our patriotism is not just about rah, rah, and cheering the troops while they are in war, in theater; but it is how do we treat those same men and women once they come home and they need us. Unfortunately, we are seeing that this administration is bent on cuts to VA services. Veterans who have fought some of their toughest battles for this country on foreign soil then come back to fight the bureaucracy of the VA health care system and face ever-increasing delays to be seen by doctors, closing of facilities and consolidation, which means that they have to travel many, many more miles just to go and get the basic services that they are entitled to.

I just want to note, before I engage my two other colleagues here this evening in discussion, that even VA Secretary Anthony Principi publicly acknowledged that he tried in vain to secure more funding from this administration. So what kind of priorities does this administration have if they cannot meet the funding request of the VA Secretary who was hand-picked by President Bush? Mr. Principi is someone the President picked, but he is also a veteran. So he could not keep quiet about how egregiously low the funding level is for the VA administration.

So I think it is timely that young people know that we are asking them to make a great sacrifice in risking their health and their lives overseas; they are being divided from their families and, again, they are coming back to an administration that is saying they support the troops when, in fact, the services and the follow-up care that they are going to need is being cut while they are away.

I do not know what my colleagues think about that, but I yield.

Mr. RYAN of Ohio. Mr. Speaker, I think it is important that we talk about and put ourselves in the shoes of these veterans who are going to be coming back, and one of the issues that they are going to be dealing with is their veterans benefits, which the gentlewoman has talked about.

Secretary Principi is saying they need another $1.5 billion. The House budget, both Democrats and Republicans, for the most part, on the committee have agreed that we need another 2.5 or $3 billion more for the veterans to meet their needs. And I think it is important to understand that what we hear from the administration is that we have increased funding for veterans, the Veterans Administration by ex-fold or whatever the percentage points they want to cite, and that is great; but the problem is we have thousands and thousands more veterans accessing the system, so although we are putting more money into it, it is not addressing the demand of the people going into the system.

I know in northeast Ohio we have a large concentration of veterans. I think I have 73,000 veterans in my district out of a 700,000-person district; that is almost a sixth of who we represent, and the reason is, the steel mills close down, you lose your pension, you lose your health care, you do not have anywhere to turn, you never utilized the VA system, but because of the drastic downturn in the economy and the weeding out of manufacturing, you are having a lot of these people enter the system.

So the gentlewoman's point is very well taken, and I think it is something that needs to be addressed and it is an issue that, again, it is easy for us to say here, but these veterans save this capitalistic system. These veterans save the democratic system. And there would be no one generating wealth, there would not be CEOs making however many times, 300 times as much as the average worker if the system was not saved by these heroic veterans.

□ 2015

So I think it is important for us to know that this system that we have that is generating all this wealth would not exist if it were not for the veterans. So I think we have some obligation some responsibility to make sure that we provide them with the health care, the benefits, and everything else that they need.

I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I was really appreciating the dialogue here. I know I am not a veteran myself, being from the State of Florida, I can tell that we have a number of veterans, very patriotic veterans that are very concerned from St. Petersburg to the Panhandle, to Miami, Florida, we have a VA hospital where veterans just need to see the ophthalmologist and it takes 6 months for them to see him.

Meanwhile, World War II dedication, remembrance of D-Day, politicians falling all over themselves wearing flags talking about we love you, we love you, trying to get in a photo op with these patriots, even patriots of past wars whether it be Korea, Vietnam, Gulf War I, out there trying to take a picture on these Memorial Days and Veterans Days, but the real issue is this: How do we treat them outside of Veterans Day and Memorial Day? That is the real issue.

The real issue is when the rubber meets the road and the reality after each one of those holidays they still have long lines and they still have inadequate and underfunded VA centers.

So when we look at the credibility of United States and our efforts, I will tell my colleagues for all of us here who care so much about our troops, and the gentleman from Ohio (Mr. RYAN) knows today in the Committee on Armed Services that it is not a question about do we love and appreciate the troops' commitment to the sovereignty and the United States and our friends abroad, that is not a question, I mean, will the troops fight for 20 years? They will fight for 20 years if they have to fight on the behalf of the United States and our reputation. But it is the management of not only the country, but also VA services that we will go into in a minute, and also what is going on in Iraq right now.

And I must say that for every turn this Congress has given this administration credit when credit was not due, but on behalf of the efforts that were in and people that we have in forward areas throughout the world, especially in Iraq and Afghanistan, it is just so very, very important that we bring point to this.

If I can, my colleagues, I always read the paper. I know that there are some people who said they do not read the

paper, but I will leave that alone. We know who that individual is. But this is the Dallas Morning News. ''Iraq Trust Gap.'' And this editorial is from this paper. And I must say that the President is from Texas, right?

Mr. RYAN of Ohio. I think so.

Ms. LINDA T. SÁNCHEZ of California. Allegedly.

Mr. MEEK of Florida. Dallas is in Texas. I want to make sure. I am from Florida so I want to make sure I have it right.

They are saying, ''You have got a credibility problem, Mr. President.'' Now, this is the hometown paper in a home State that is saying that there is an issue. It goes on in this editorial.

Mr. RYAN of Ohio. Before we get into this, because we, being on the Committee on Armed Services, we talk about this all the time. This seems to be like every conversation you have on the floor and off the floor somehow gets back to the war, somehow gets back to this administration's march to war.

I just want to be clear with the American people, this is not personal. This is not us trying to demagog an issue for political gain. We have 800 soldiers who have been killed. We have thousands of soldiers who have been wounded. We have had hundreds, if not thousands, of innocent Iraqis killed because of this.

This is a distinction that my colleagues and I have to make because we are elected Members. My colleague represents 700,000, my other colleague represents 700,000 and I represent 700,000 citizens of this country who want to know why we are in the predicament we are in. This is not personal with the President. I am sure we would all say he is an affable man who we all would probably sit down and have a Diet Coke or a cup of coffee with and completely enjoy the time together.

But, we have an obligation, a constitutional obligation because this Chamber, Article 1, section 1 of the Constitution says the people govern, not the administration, not the executive branch. The legislative branch, everything starts here in the House.

This is why we are bringing this up. This is why my colleagues and I are going to have this discussion because we have a responsibility to question the leadership of this country, a constitutional obligation that when we stood here a year and a half ago, we put our hands up and said, ''I do,'' ''I will.''

So I did not mean to interrupt my colleague, but I think it is important that we lay this out before we have this discussion to say this is not personal. This is about the policies of this administration that we questioned initially, our voices were not heard. The press tried to question early, they were shut out. And now we are in a situation where we have not been given all the facts.

So I am sorry to interrupt my colleague, but I wanted to lay that out before we got moving here.

Mr. MEEK of Florida. Mr. Speaker, I want to say to the gentleman from Ohio (Mr. RYAN) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) this is important that the American people understand this is not the Ryan-Meek-Sanchez report, but this is the Dallas Morning News. I do not sit on that editorial board.

What has happened here as it relates to this editorial, it is saying, ''Mr. President, we backed you for President of the United States, we backed your decision to do certain things in this country.'' But I will tell my colleague as it relates to other people in this democracy like the 9/11 Commission, that is made up of Democrats and Republicans, okay, that have said there is no link between al Qaeda and Saddam Hussein, and you are saying yes, there is, as it relates to the war, the preemptive strike that we took in Iraq when we keep changing the reason why we went into Iraq, there is an issue there.

So that is the reason why 76 percent of the American people feel that we were receiving too many casualties in Iraq. I must say to the families to the four Marines that lost their lives within the last 24 hours that my heart goes out to them. And every Member of this Congress, Democrat and Republican, appreciate their service. But it comes down to the management of the war and also the management of the country.

We cannot separate ourselves like a quarterback to a receiver when it comes down to bad news from the war saying, well, whatever they want on the ground we are going to give them, but otherwise you are telling them what they are going to have. Do not separate yourself on those issues coming up.

And I will tell my colleague what is so very, very important as it relates to credibility, as it relates to veterans affairs, as it relates to a real health care plan, as it relates to reducing the deficit, there are a lot of people saying, oh, we are going to take the deficit down but we are having to have action here on Thursday that will separate the boys from the men and the girls from the women when it comes down to the vote of who really cares about the growing deficit in this country.

I pull no punches when it comes down to what happens in the management of this war, how we approach June 30 and beyond. We have a question of command, who is going to be in charge afterwards of American troops and what happens with their safety. It also comes down to the issue of how long we are going to be there? How are we going to bring other world leaders into it? When one has a G–8 summit with the hopes of hopefully someone will say, hey, we are sending more troops and that does not happen, something is wrong.

So it means that 135,000, 137,000 troops in theater right now are going to be in theater for some time to come with really with us saying, well, there will be elections in December. I say to my colleague from California we cannot even have elections in Afghanistan. Okay. I am not belittling Afghanistan, but Iraq and Afghanistan are two different issues.

The war against terror, I will tell you this, if we cannot have elections that we are postponing for the second time, Secretary Wolfowitz of the Secretary of Defense, he said the U.N. was not able to register folks. I wonder why the U.N. is not able to register. It is a safety issue in Afghanistan. There is a safety issue in Iraq.

Mr. RYAN of Ohio. Mr. Speaker, would the gentleman yield? That brings up the whole point that I have been trying to make for months now. And I am going to continue to make it until somebody hears me or maybe we could figure out why we did this the wrong way.

Today in our Committee on Armed Services, Secretary Wolfowitz said we went to Iraq because there was a connection between al-Qaeda and Saddam Hussein. And he said we went because Iraq was harboring terrorists from al-Qaeda. And we went because Iraq was funding terrorists. Connection, harboring terrorists, and funding terrorists were the three reasons throughout the committee, we were there about three hours today, that the Secretary gave.

There was an article today in the Houston Chronicle, it said, verbatim, Pakistan and Saudi Arabia harbored al-Qaeda, funded al-Qaeda, and they were connected to al-Qaeda, more so than Iraq. So the dangerous thing that we need to talk about if this is the standard, if you have been connected, harbored, or funded terrorist organizations, the United States or some other country could now go to war with this country.

So we should be in Pakistan, we should be in Saudi Arabia, we should be in Iran, we should probably be in Sudan where bin Laden met supposedly with the Iraqi official. When does this end? When does this end?

We have pulled our troops out of Afghanistan, we have 130,000 in Iraq. We have 10,000 in Afghanistan. Why cannot we have elections in Afghanistan? We do not have the security. They are all in Iraq.

Why is poppy now half of the GDP in Afghanistan? Because we do not have enough troops on the ground in there. And they said we wanted to set up a democracy in the Middle East? Why did we not do it? We were already in Afghanistan if we wanted to set up a democracy in that area of the world.

And it is very frustrating, and I think the ultimate issue that we have talked about many, many times, I say to my colleague from Florida, is that when we asked this administration what the deal was with the poppy, 70 percent of the worlds's poppy which turns into heroin, is converted into heroin, is from Afghanistan.

And when we asked this administration what they were doing about the

drug problem in Afghanistan, the $2½ billion that is coming out of there, that is going right to al-Qaeda, that is going to continue their terrorist acts, direct funding, drugs on the market in the United States and elsewhere, mostly in Europe, to al-Qaeda to fund terrorists, we asked what are you doing about the drugs, the poppy this year? And the answer was, ''We missed it.'' ''The harvest came in early and we missed it.'' I want to repeat that. The harvest of poppy came in early in Afghanistan and we missed it. And so it has already been harvested and it is already on the market being converted into heroin on the market now.

So there will be 365 days worth of funding of al-Qaeda from the drugs that are grown in Afghanistan. And there is one reason why that happened: We do not have enough troops on the ground in Afghanistan. We have 10,000 or 11,000 there. We have 130,000 in Iraq.

Imagine if we would have spent just half of what we spent in Iraq and had half the troops that we have in Iraq in Afghanistan where bin Laden came from, what the situation would be. We would have a democracy in the Middle East, we would have taken care of our drug problem, and we would have elections that would not have to keep getting postponed.

I am sorry to talk so much but that is so frustrating to me. I cannot figure out why we did what we did when we did not have our problems fixed in Afghanistan.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I wanted to mention one thing in the hearing, you talk about the testimony in the Committee on Armed Services. It just further illustrates how unfair of a burden we really are delegating to, again, these young men and women who are going overseas with the best of intentions. They want to serve their country well. They want to do the right thing. They are doing their job under very difficult circumstances and to the best of their abilities. But their leadership at the top is failing them.

It is making the situation such that they are going to have to stay for longer and longer periods of time. They will have to endure worsening conditions and continuing instability. And these are folks that are proud Americans that want to serve this country. And, again, their leadership from our President is failing them.

I just think it is such a tragedy because we are asking these young people to take the brunt of the risk. And when they come back stateside and, hopefully, they come back safely, the way that this administration is thanking them for taking that risk is unbelievable.

I want to talk about one brief issue before I have to run, and that is called concurrent receipt. We like to call it the veterans tax or the disabled veterans tax. And what that is is people who have served in the military who have earned a military pension and they are injured in combat and they are receiving disability pay, they have their pension payment deducted by whatever amount they are receiving in disability.

So they are not receiving their disability payment and their pension payment as they should. Because they are meant to do two different things: Disability payments are meant to compensate and help people who have been injured and suffered disabilities from fighting.

□ 2030

A pension was meant to give them a cushion for retirement. They are actually deducting the disability payment from the pension payment so the person gets one amount of money when they should actually be getting both concurrently; and I know that there are Democrats in this body who have been fighting like hell, and pardon my French, to try to eliminate this disabled veterans tax, and we have met full on resistance from the other side of the aisle and the Bush administration.

I think that doing that to veterans who, again, have sacrificed much, have been honored for their work on the battlefield, is just a hypocrisy, and it is like slamming the door in their face after they have taken the brunt of the risk; and, again, it is a failure of leadership, things like the GI bill that were intended to help veterans come back and reestablish their lives by helping them fund a college education.

Today is actually the 60th anniversary of the GI bill. We have seen the GI bill pretty much gutted to what it initially was so that even with the GI bill help, many kids coming back from theater having served overseas in combat just do not have the kind of benefits they do to pick up their lives and move on with a college education and try to move into other fields.

Again, I just think it is shameful that this administration is failing our young people in such a way.

Mr. MEEK of Florida. Mr. Speaker, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is 110 percent right as it relates to what our commitment should be to these men and women that are putting their lives on the line; and after every young person that walks into a recruitment office to offer themselves as patriots to the country, that is the least they deserve is to be able to at least get 80 percent of what they were promised.

Right now, they are not getting that; and what is so very, very unfortunate with the growing deficit that is taking place in this Congress, and this is the reason why I take the opportunity along with you and others like the gentleman from Ohio (Mr. RYAN) to make sure that we give voice to the growing deficit and the lack of commitment to our veterans of what we know will be adequate and strong health care in this country, providing them with that.

We have veterans that are close to 100 years old that are out there who have needs; and we also, from the statistic that the gentlewoman gave earlier, 70 percent of the individuals that are in Iraq right now and Afghanistan, they range from the age 18 to 30. So now we are talking about fathers and mothers with young children that hopefully their commitment to our country will mean that the country that they defended and stood under the flag for, some of these individuals came back without a leg or an arm or years that they can ever pay their families back, the anguish that their families have to go through when they hear about troops that were killed or a roadside bomb that went off, and they have to hold their breath and shudder when the doorbell rings because it could be someone from the armed services to share with them that Mom's not coming home or Dad's not coming home.

The least that we can do is follow up on our commitment; and I think bring that kind of not only tender, loving care but oversight to this Congress, that our Democratic leader, our whip and others, those of us on this side of the aisle, even though we have good Republicans that want to do these things for veterans. As you know, some of the bills that we pass here, it takes some Republican votes, but to be able to bring the kinds of leadership that is going to be ready to attack this issue and say, veterans, you put it on the line for us, we are going to follow through on what we told you, you are going to be respected even when you hang up the uniform, we are going to keep your honor throughout the wars that you fought in the past and the one you just fought and the time that you spent serving this country on our call. We are going to do everything we can to help you.

You know something, that is not Democrat, Republican, Independent, Green Party. It is not really north, south, east, west. If you put it on the line, citizen or noncitizen I must add, if you put it on the line for this country, the least that we can do is do what we said we are going to do for you, and you should not have to worry and should not have to come marching up like the VFW and many others saying, please, please, Congress, do not have us waiting 8 months now, because we are already waiting 6.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, there is going to be a great opportunity this week for us in the House of Representatives, and I hope the people at home pay very close attention to this.

The gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations, great guy, will have an amendment this week that will repeal a portion of the tax cut for millionaires, people who make $1 million a year or more. They will still get a tax cut, but it will be repealed partially. That money will go to fund veterans and will go to fund homeland security, two major issues that we have talked about in this Congress over

the last year and a half that are underfunded. The homeland security is very important because we are only checking one or two of all ships that come into ports in this country. We do not have enough first responders in this country, and we do not have enough border patrol. We do not have enough Coast Guard. All underfunded.

So this is going to be a clear message to the American people. Is this Congress going to support people who make over $1 million a year and say they have to have their tax cut regardless of what any of the other challenges are in this country, or are we going to be responsible and we are going to fund local initiatives that are going to help protect people in this country and, in turn, invest in our veterans? I think that is a clear distinction to make, and people who make less than $1 million are not even going to be affected by this.

I would think that, again, the point is that without these veterans, there is no system where you can generate $1 million a year for yourself, and I think it is a clear distinction and it is going to be a great vote; and I think it is going to articulate for the American people the difference between the two parties. I am sure the other side will say, we are raising taxes, and the answer to the American people, yes, we are for people who make over $1 million a year. They will see an increase.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, excellent point, and I am going to have to leave you gentlemen now, but I just wanted to commend both of you for your excellent work in trying to bring issues to light that impact young adults in America, and I think this topic is so very timely, and I urge you to continue your great work on the issue.

Mr. RYAN of Ohio. We thank you. You are marvelous.

Mr. MEEK of Florida. You are part of that solution, and we thank the fact that you have joined us on several occasions and you are part of us.

I just want to say quickly that we talk about priorities in America. I am so glad on the Democratic side of the aisle, and even some Republicans within this process, that we believe in keeping the deficit down, not increasing the deficit, not playing games about how we are going to decrease it in the future; but this is my credit card and the reason why the numbers have not changed is the fact the Congressional Budget Office, they are going to have a mid-session review in July, and this deficit number is going to change. Unfortunately, it may not change for the better, but this is a big number right here, and this is the U.S. Treasury and down here you have the Republican Congress. That is there.

I want to share with the American people that the Democrats here in this House, we can only do so much to bring the deficit down. We can try to build coalitions and try to come up with resolutions, but the majority of the House is Republican. The majority of the other body of this Congress is Republican. The White House is Republican.

I must go back to say that in the Dallas Morning News, I wanted to read just one segment of this editorial at the beginning so that it is important that we have the kind of diverse thinking. You mentioned this a couple of weeks ago, how important that we have balance in this process to be able to bring about accountability.

''A time comes in most administrations when supporters tell the President he has a problem. Bob Dole told Ronald Reagan he should worry about the deficit. Tip O'Neill,'' who was one of the great Speakers of this House, ''told Jimmy Carter he better improve his icy relationship with Capitol Hill. And George W. Bush told his father that the White House chief of staff John Sununu needed to go.''

There comes a time that some of us in this process have to voice our opinion, and that opinion is based on the American people. My colleague is from the State of Ohio, I am from Florida, and the gentlewoman (Ms. LINDA T. SÁNCHEZ) is from California; and I will tell my colleagues that as we look at the security of the country, as we look at the deficit, and I am going to tell you this honestly, I take no pleasure in being a part of the 108th Congress and presiding over the highest deficit in the history of the Republic. The 108th Congress, since we have had 108 Congresses, and we are a part of it, we have the honor or the dishonor to stand over or be in control of the highest deficit in the history of the Republic. I would not be able to sleep at night if I was calling the shots or the Democrats were calling the shots to be able to make the deficit what it is.

This amendment that the gentleman from Wisconsin (Mr. OBEY) has, who is the ranking member on the Committee on Appropriations, coming up on Thursday will set forth the priorities of this country: that we care about our veterans and we care about protecting the homeland, not that we care about millionaires, millionaires getting a tax cut on top of a tax cut that is permanent.

The American people need to understand this is not homeland security for Democrats. This is homeland security for the Republic. It is not veterans benefits for Democrats. This will be veterans benefits for the Republic, for men and women that put it on the line, for VA workers, many who are veterans, who put it on the line in serving other veterans.

So as we look at this time of patriotism that one may say, then it is only appropriate for us to put our money where our mouths are. What Mr. OBEY is trying to do on Thursday in this great House is to vote on trying to do something on behalf of those individuals who have done something for us.

Mr. RYAN of Ohio. And pay for it.

Mr. MEEK of Florida. And pay for it, not increasing this number, not increasing this number, but hopefully having this number go down, so that we do not have to knock on the bank door of China and say, hey, guess what, we need to borrow more money because we need to pay down our deficit.

Mr. RYAN of Ohio. Remember how many years ago when we had the Contract with America, one of the main components of that contract was that we were going to have a balanced budget amendment to the Constitution, which meant that the budget in the United States had to be balanced every year. Everything had to be paid for. You either cut spending or you raised taxes, but you pay your bills, and I think there is some confusion at home, the debt is the mounting of yearly deficits, and it just keeps compounding. So the national debt is about $7 trillion I think, close to it. The annual deficit now for next year is projected to be, I think, $500 billion, close to $500 billion.

So as you have a growing debt caused by annual deficits, you have to go out and borrow money. As the gentleman from Florida said, the country loaning us the most money, number one, is Japan. Number two is China. We are going to Japan and China to borrow money to pay for these deficits that we have so that we can keep giving these tax cuts to millionaires. It makes no sense. We are becoming more dependent on these other countries because we are borrowing money from them and paying interest. So they take the interest that they make on the money that they loan us, and they invest it in the manufacturing and everything else. So that is a whole other issue that they keep taking our money and investing it in that way, too.

□ 2045

If one wants to go to the home page here, it is www.House.gov/George Miller, who is our ranking member on the Committee on Education and the Workforce.

There is a page on his Web site, Issue No. 14. It is called the debt burden, and it gives a chart that will show how much American families are paying in what we are calling the debt tax. Because we are borrowing so much and having to pay interest, we have got to pay more on taxes to cover our spending habits, or are generating less revenue by giving millionaires tax cuts.

So there is a little chart on there, and in the year 2004 the interest per family of four is $4,392. By 2014, we are going to be paying almost $9,000, $8,934.

So who is raising the taxes now? The facts are the facts, and it makes sense that if one goes out and one borrows money for a car and has to pay interest on it because it was borrowed, that interest is something that one has to pay out of pocket.

What we are trying to say is repeal a portion of that tax cut for millionaires. Increase the child tax credit. Keep the child tax credit. Keep the marriage penalty. Remove it and leave it off for married couples. If one makes under

$200,000 or $300,000 a year, none of the benefits that are received under the tax cuts over the last few years would be touched at all. You are safe. You are going to keep it.

What we are saying is people who make a million dollars a year or more should pay their fair share, because it is going to benefit the whole society, and that is why we are here, is it not?

Mr. MEEK of Florida. When we talk about sacrifice and commitment, we have to make some tough decisions here in the Congress, and I will say that we dodge making those tough decisions constantly when it comes down to doing the things that we should be doing. And the good thing about our democracy is that we can tolerate one another's opinion, and being able to share the truth with the American people is important too.

And in this House we have a Democrat and Republican side, with the one independent, and I think it is important that we have the diversity of arguments but at the same time speak to all American people about the issues that are facing us.

We were talking about veterans, talked about the deficit, because it all intertwines with one another. In the past we have talked about 43 million Americans without health insurance that are working, I must add. We have talked about student fees being at the highest rate that they have been in the past history. We have talked about how the banking industry is trying to get students out of having the option to be able to lock in a low interest rate versus sending them back to a veritable interest rate where they will end up paying more in the long run.

But I think it is important for us, and I think this work towards force protection in Iraq, that we talk a little bit about the management from the Pentagon of this effort in Iraq.

Mr. RYAN of Ohio. The guys with the suits.

Mr. MEEK of Florida. I will say that the individuals that are wearing the shirts and ties, just like I shared today with Secretary Wolfowitz, who is the Under Secretary under Donald Rumsfeld, it is something fundamentally wrong when the Department of Defense is not handling the war in the way that it should be handled.

And if we have not only Members of the Congress, but members of the press that say, hey, you know something? Things are not going all that well in Iraq. One may think that everything is good and it is productive. We support our troops. We stand with our troops. That is not the question. The real question is as it relates to Abu Ghraib and other prisoner abuse issues that are out there on how we are managing that issue, how we are managing that issue and how the people at the top are going to be dealt with who set forth the culture.

Now, I am not saying that Secretary Rumsfeld was there at Abu Ghraib. I am saying that there is policies that have come out of this administration that have put a light on interrogation, and it is also mismanagement and also a lack of training in a prison that Saddam Hussein had in Iraq that was known for abuse and torture.

Now, for the administration to say we have dealt with that, it is over, it is done, next subject, we have to move on to winning the war, well, let me say, when it comes down to insurgents and the recruitment of insurgents, our lack of attention to that issue is so very, very important.

The first person to go down in this thing was an enlisted man. That is interesting. The Pentagon appointed a two-star general to oversee the investigation, knowing full well that this two-star general could not go above his rank, define wrongdoing anywhere else as it relates to the Department of Defense or the chain of command.

The four-star general in control, General Sanchez, said, well, maybe you all need to appoint a four-star. Secretary Brown, I would say Secretary Rumsfeld, appointed a four-star. Guess what? Out of the Secretary's office to oversee the ongoing investigation into Abu Ghraib.

I think it is important for the American people to understand, it is not totally how we feel about the handling of the investigation. It is how the world feels, how the handling of the investigation is done, because guess what? We cannot do this on our own, and if we are looking towards force protection or troop protection, it is important that we let the Iraqi people know that we are doing everything we can, no matter where it is. At the top or the bottom, we are going to get to the top and the bottom of the situation.

And it is important that on behalf of those troops, those that have served, Reservists, National Guard that have now returned, in their honor and their respect for our effort in Iraq, we have to make sure that not only enlisted men and women take fault for what took place, but it is important that individuals up the chain of command also takes fault for what has happened. And I will say right now the truth will rise to the top, and since we are talking about 18- to 30-year-olds, 70 percent of the force that is over there, I want to say, we cannot sit by and watch these individuals play the Potomac two-step and go around the responsibility for what has happened.

It has happened under his watch, it has happened under Secretary Rumsfeld's watch, and I have said it before and I will say it again, there comes a point where you, say hey, maybe I have done all that I can do for this effort. Maybe I need to allow someone else to do it. But come this November, Democrat, Republican, independent, they will make the choice if this administration does not make the choice as it relates to new leadership and making sure that we get good information about this war and making sure that we have good management of this war to protect American lives.

People talk about how Iraqis feel. I care about how Americans feel. Seventy some-odd percent of American people feel that we are taking too many casualties in Iraq. Seventy some-odd percent of individuals feel that decisions that are being made on this war are hurting our image throughout the world. We cannot do this on our own.

I know the gentleman from Ohio (Mr. RYAN) knows that. But I am not pleased. I know many Members of this Congress are not pleased with the way things are going. I have said it once before that our troops would fight 20 years if they had to fight on behalf of this country. That is not a question. Do we support them? You are doggone right we do. But we cannot sit here and allow the mismanagement of this war to continue.

Mr. RYAN of Ohio. I think if you ask why there is a lot of frustration here, I think there are a lot of reasons for it. If you look at what was said before the war and you compare that to what is being said now, you will find that nothing of record from what I can tell that was said before the war on our reasons for going has been true. We were told that Saddam Hussein was somehow tied to 9/11. That was not true. We were told that there was an imminent threat from Iraq to the United States and the possibility of a mushroom cloud in Cincinnati is a real threat. That was not true. They had weapons of mass destruction. That was not true. That we would be able to use the oil in Iraq to generate revenue and we would not have to pay for the war because we would just use the oil and sell it and then that would pay the United States back. That has not been true.

We are up to $200 billion that we have spent. Then comes the issue of Halliburton. Was the Vice President, who had strong, strong ties, an officer in the company, did he have anything to do with Halliburton getting an unbid contract? Right, wrong or indifferent. Some may even say, Hey, that is politics. He is the Vice President. He used to work there. Let his former company do it. There aren't a whole lot of companies that do it. The problem is that for months and months and months the Vice President denied, and his office denied, knowing anything or having anything to do with the contract.

We find out last week that Scooter Libby, who is the chief of staff of the Vice President, in essence okayed the contract, knew about the contract, was familiar with the contract, okayed the contract. Why would you lie about that for 6, 8 months when people were trying to figure it out? Then we were told that this Abu Ghraib was just an isolated incident. We find out later that the Secretary of Defense approved of hiding a prisoner from the Red Cross. That seems pretty systemic of a problem to me.

So when we are up here questioning what is going on here, it is not like we do not have any reason to do so. I think we have ample evidence. As I

said earlier, I think we have a constitutional obligation to do it. A member of my staff has been saying this, Ryan Keating, no one likes to be the bad parent. No one likes to be the one who comes in and says, You know what, you're grounded. You're not doing this right, to be the enforcer. It would be nice to always be nice but someone has got to question what is going on here because we are losing lives, we are losing people because of these misjudgments. And then this Chalabi who gave us all this information on how great the war was going to be, and that was another one, we were going to be greeted as liberators, not occupiers. We are 800 dead later, most of that happening after we have toppled Saddam and the statue was pulled down.

Now everyone is saying that this Chalabi, well, we never really worked with him. We knew him, we talked to him, but we get advice from everybody. He was sitting up in the Chamber when the President gave his State of the Union address, right behind Mrs. Bush.

I do not like to be the bad parent. I do not have kids. I am not a parent in any sense. But I think the point is well taken that somebody has to say, what is going wrong here, and I think there is a growing frustration among the American people. It is not just Democrats. It is not just Democrats. It is the frustration that I think you see when we see the President's hometown newspaper editorializing against him I think is a pretty good sign that people better start shooting straight. The problem is you cannot put the bullet back in the gun. The bullet is out of gun. We have got to make the best of a bad situation and work with our soldiers to make sure that we do not lose any more of them while they are over there.

Mr. MEEK of Florida. Mr. Speaker, let me correct myself. It is one of the home State newspapers in Dallas. I know that the American people associate the President with Crawford, Texas. Let me just say very quickly that we encourage the e-mails that we have been receiving. The gentleman can give our e-mail address out and then I will give another e-mail address out, but the gentleman from Ohio can go ahead and do that. David Letterman has his Top 10. You have the e-mail. I am going to give out this e-mail address so I do not want to take that away from the gentleman.

Mr. RYAN of Ohio. This is mine. This is my role.

Mr. MEEK of Florida. This is your role.

Mr. RYAN of Ohio. You are not going to take it away from me?

Mr. MEEK of Florida. No, sir.

Mr. RYAN of Ohio. 30 Something Working Group. Send us an e-mail. 30SomethingDems@mail.house.gov. Send us an e-mail. We would love to hear from you. We would love to hear what you have to say. We have to continue to have these discussions. Again, as we started, this is not personal. We need, you and I hopefully in our own little way, to raise the level of debate here to say it is not venomous, it is not malicious, it is not personal. We do not mean to personally attack anybody, but there are some real policy concerns. In a time of war, I think we have even more of a responsibility to do it.

Mr. MEEK of Florida. In closing, I just want to say that our next 30 Something hour will be on Tuesday, July 6. That is after Independence Day which is going to be a festive celebration, I understand, here in Washington, D.C. There will be fireworks on the Mall to celebrate our independence once again. They can check the Web site which is the Democratic Leader Web site, democraticleader.house.gov/ 30something to get that information. I would also like to commend the WWE which is our wrestling component here, World Wrestling Entertainment, for their voter registration effort of the 18 to 30 demographics.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–561) on the resolution (H. Res. 686) providing for consideration of the bill (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, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2100

SANCTUARY CITY POLICIES

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, we have had an interesting discussion for the last hour on the issue of security of the homeland and whether or not our efforts in Iraq are on track, whether or not we are doing the right thing. It is intriguing to me to listen to this discussion for a variety of reasons because, regardless of whether or not anyone believes that our efforts in Iraq are right and honorable and good, I have yet to meet anyone who believes that the need to defend the homeland from terrorist attack is not greater than it has ever been.

One may disagree entirely with whether the decisions made by the President have been appropriate; but no one says, no one has dared to say that we should do anything but aggressively pursue policies that are designed to make us more secure from terrorists who we know are out there, whether or not they conspired with the Iraqi Government, with Saddam Hussein, or whether or not our efforts in Iraq will lessen that particular threat. The reality is we know we have a threat and we know that we should be doing everything possible to, in fact, defend ourselves against that threat. That is a given. No one argued it.

Now, amazingly, Mr. Speaker, a couple of days ago I brought forward to the floor of the House an amendment to the Homeland Security Appropriations Act, and I have to give just a little bit of background to help explain exactly what the amendment was all about because there are people who are perhaps viewing this tonight who really are not sure. But let me explain that Members of the Congress knew exactly what this was all about.

There are, in fact, a number of cities and States around the country that are pursuing policies that we describe as sanctuary city policies. In the case of a State, the State of Maine is contemplating and actually has proposed that they become a sanctuary State. What does that mean? Sanctuary from what? Sanctuary from investigation by the Bureau of Immigration Control and Enforcement. Because there are cities, there are localities that are saying that they will not allow their police forces, for instance, to, in fact, report the arrest or the detention of anyone who is here illegally. They will not allow their police force to report that to the Bureau of Immigration Control and Enforcement because there is a desire to eliminate the category of illegal immigrant from the whole lexicon. And so this is happening throughout the country.

Why is this significant? In 1994, the Congress of the United States passed a law, and the law said that no city or State could, in fact, impede the flow of information to the Bureau, which then it was INS, or from the INS so that we could be helped, the Federal Government could be aided, in our efforts to try to control illegal immigration. That is on the books. I was not even in the Congress of the United States when that particular proposal was accepted and passed into law. But it is the law. That is the given. We have a law that says that they cannot hide these people, that no State or city can provide sanctuary for people who are living here illegally; but, of course ,the unfortunate aspect of that particular law is that it did not include any penalty provision.

So cities and States are doing it. They are doing it all over the country, and they are doing it to the detriment not just to the security of the United States of America but to the security of their own people in cities and States where these things are in place because we have seen cases where people who are here illegally and who had been arrested in the past for being here illegally, but not turned into the Bureau of Immigration Control and Enforcement, were then allowed to go back on

to the streets and commit other crimes, some of them heinous crimes.

In New York, four people raped, brutally raped, a woman. And at least two of the four, perhaps three, were actually people who had been in the past detained, found out to be here illegally, but not given over to the INS and therefore not deported. So there are people being affected by this in the most horrible ways. The story I just told is replicated hundreds, if not thousands, of times across this country.

There was a march in Los Angeles about a month ago, 2,000 people participated. It was a march to protest the policies of the government that have allowed illegal immigrants to come into this country and perpetrate horrendous crimes and then essentially escape punishment.

Not only, as I say, is this practice of sanctuary cities and sanctuary States, not only is it a threat to the peace and security of the people who live in those cities and States; it is also a threat to the security of the United States of America. There are people who have come into this country illegally not just for the purpose of obtaining a job that no one else would take. I guess one could say maybe some of these people came in to do a crime that no American would do because there are plenty of them that are committing crimes.

Four hundred thousand people are here in this country, having come into this country, having actually gone to a court of law, an immigration law court, and been ordered to be deported because of some violation of our law even beyond the fact that they were here illegally. They had done something else. They had murdered, raped, robbed, done some other thing. They have walked out and walked into American society, and we have not the foggiest idea where they are. Four hundred thousand people in that category.

Among those people who come into this country illegally just for the purpose of taking a job that no one else would take, as we hear so often, are people who are coming here for very, very bad things, to do bad things, bad reasons. Some of them are coming in to kill every single person here who does not agree with their perverted view of the world and because their religion tells them that they cannot live in a world in which free people can accept or, in fact, turn down the opportunity to join their religious perspective.

And so, therefore, when we do things like allow sanctuary city policies to exist, we do a lot of bad things. First of all, of course, we create literally hundreds of different immigration policies around the country. So it is not just the United States of America that has a policy about immigration, which, by the way, is one of the few powers given to this Federal Government by the Constitution. We have, of course, usurped many other powers and duties and responsibilities that the Constitution does not provide, but this one is truly a Federal Government responsibility. And we do not do a very good job of enforcing the law or accepting our responsibility. It is true. But we do not need the problems created by cities and States that are captivated by the cult of multiculturalism and who have passed these bizarre laws. We do not need that.

So I proposed an amendment to the Homeland Security appropriations bill, and it simply said that no city or State that does this, that actually puts in place a proposal of this kind, can receive funding from the Homeland Security Act. Again, I have said oftentimes that I often wonder what would happen if we were to actually just put that amendment out, and many others that deal with immigration, but if we were just to put that out to the public and see how they would vote on it. Mr. Speaker, I guarantee the Members that the response would be overwhelmingly supportive. In this Congress, regardless of all the rhetoric we heard from the other side tonight about their intent to support national security, they just disagree with Iraq, regardless of all that rhetoric, the fact is that all but two Democrats in the House of Representatives voted against the amendment. Sixty-eight Republicans voted against it. We had 148 Members voting in support.

This is not a tough issue. It is not complicated. It is very, very upfront. And we had 148 Members. This is, by the way, about 20 Members more than we had last year on the amendment; and we will do this again, by the way, in a short time on the Commerce, Justice, and State bill. I am going to propose a similar amendment, and I will propose an amendment of this nature for as long as I am able to, as long as I am a Member of the House and until it passes. And I will propose a variety of other amendments, and I will propose legislation dealing with immigration and immigration reform regardless of the fact that we are, as I say, facing this cult of multiculturalism and the bloc that it represents that prevent us from doing anything significant in terms of immigration reform.

Of course, that group of people who are here, who are captivated by this concept of radical multiculturalism and refuse to think about the possibility that America's own identity is at stake in this debate over immigration, they are allies of other groups in the Congress, other very powerful interest groups. One, of course, is the Democratic Party that sees massive immigration of legal and illegal aliens into this country as a terrific source of voters, both present and future, because many people who are here illegally go ahead and vote. So the Democratic Party knows that they vote mostly for them; and therefore they will not do anything to restrict the flow of immigration, either legal or illegal, into the country.

On our side, unfortunately, there are too many people who are committed to the allure of cheap labor. So the Republican side listens to the political interest groups that rely on cheap labor, and they say to us, do not stop that flow.

So we put all those things together, the sort of radical multiculturalists, the political opportunists, and the cheap labor lobby; and we realize that we are here essentially unable to do anything significant in terms of immigration reform.

And I want to say that I am so proud of the 148 people that stood with me on this issue and will certainly face the wrath of these particular interest groups.

But it is, again, ironic that we sat here and listened to all this talk about national security and the need to have it, just not to be pursuing the war in Iraq. Okay. Again, whatever side one is on on that policy, that is fine; and we can certainly argue it.

□ 2115

But it is amazing to me that we could find only two Democrats that would actually support a proposal to make our country more secure by simply enforcing the law. Is that not incredible when you think about it? It is a law this body passed. How hypocritical, to have passed this law thinking, hoping, that it would never be enforced, and that any attempt to do so would be a threat to the philosophy of radical multi-culturalism, cheap labor and political opportunity.

But that is the way it is. As the commentator said, that is the way it is here, and it is something we are going to have to deal with. I assure you, I will continue to propose these kinds of measures, to try to put people on record so that constituents can see exactly what happened.

Now, everything can be spun in a variety of ways, and I have seen attempts by people who voted against this amendment to say they were really voting for national security because they wanted the money for their communities, and even if their communities had declared themselves to be sanctuary cities that would not report illegal aliens that they had come in contact with, that that is okay; it is more important to get the money.

Well, do you know what? We should not reward people or cities or States for violating the law. There is not a Member of this House that can I think in good faith can say they believe we should reward people for breaking the law, but that is exactly what we are doing. Every single grant that we hand out, every single tax break that we give, anything that we provide for cities that are in fact violating the Federal law is an advantage to them.

It is amazing. Again, I say, it is amazing, and I surely hope that anyone who is observing this tonight will check and see exactly how their representative voted. If they agree with it, tell them, and if they do not, I hope they do that too, Mr. Speaker.

There will be a number of other proposals that I will put forward in the near future. One will deal with the issue of remittances. Again, this takes a bit of explanation.

Remittances. What are remittances? Well, it turns out that millions and millions of people who are here in this country, most of whom are here illegally, are employed, and they take part of the salary they make at their job, and sometimes I have seen estimates of up to 50 percent of the people who are here illegally are employed off the books. That is to say, we are not getting any tax dollars from them. They are not paying into workman's comp, Social Security or anything else of that nature. But they take the dollars that they are making and they send them home to relatives in other countries.

A report just came out not too long ago saying that about $30 billion a year flows out of the United States just to Latin America in the form of remittances. There are seven or eight countries in the world that have more than 10 percent of their gross domestic product coming to them in the form of remittances from the United States or countries outside their boundaries, but primarily from the United States; $30 billion alone to Latin America.

Where does this money come from? It comes, of course, from the people who work here; who, if they were not sending that money home, they would be investing it in the communities in which they live. But since they are not, those communities are denied the benefits of that multiplier effect. The jobs are not being created, the economy is not being stimulated in these communities, and the money is going primarily south.

So, I have been thinking about this for a while, and when I saw this report I felt that maybe something could be done in the following manner: We every year send billions of dollars overseas to many countries in the form of foreign aid. Much of this money, as everyone knows, ends up in the hands of corrupt dictators or corrupt governments, even if they call themselves democratically-elected, and it oftentimes never, ever, ever gets to the most worthy recipient.

So I am going to propose an amendment to the foreign operations bill that says that every dollar that we send in the form of a remittance to some other country will be deducted from the money we send them in the form of foreign aid.

Now, this will be quite controversial, of course. It should not be controversial to any Member of the Congress of the United States. It will certainly be opposed by the governments of Mexico, Guatemala, Honduras, Jordan and Haiti. All of these countries will be furious at the possibility that their check will be reduced by the amount of money that their nationals are sending back to people in their country.

But, after all, Mr. Speaker, if in fact foreign aid is simply the transfer of wealth from one country to another, then why is a remittance not that same thing? In fact, it is going to people who probably really need it, and it is far more efficient, far more efficient than the check we send to corrupt governments in terms of the usage.

So I am going to propose that. And we have a couple of other things we will be dealing with. Of course, we have a lot of legislation that we think this body ought to consider that will improve our immigration policy dramatically.

There are organizations like NumbersUSA, which people can identify by simply going to that site, NumbersUSA.com, and they are very heavily involved with trying to promote immigration reform efforts. There are people and groups all over the country of this ilk. We hear from them all the time.

When I get done on the floor of the House with these special orders and go back to my office, oftentimes the phones are lit up, or the e-mails are coming in from people all over, and 99.9 percent are quite supportive of our efforts, and I know that most Americans are supportive of our efforts. In fact, if we put any of these issues out there for a debate, for a vote, a national plebiscite, if you will, of course, we do not have that in America, but if we did have such a thing as a national election on issues that could be brought by citizens, all of these things would win overwhelmingly. It is only the stubborn reluctance to allow the people of this country to work their will on this issue that prevents us from doing so in this body.

But things are changing, Mr. Speaker, and are getting a lot better for our side. The momentum is definitely shifting to us. I have been in this Congress now 6 years, and I assure you if anyone had proposed a guest worker plan that included some sort of amnesty provision for people here illegally, if they proposed this a couple of years ago it would have gone through here without much opposition. I would have, of course, opposed it, but I would have been in the very small minority.

Things are changing. There are five or six different bills being proposed by very powerful Members of both the House and the Senate, and these bills all include a provision for amnesty. They are hidden most of the time; they obfuscate, they call it different things, ag-jobs, agricultural jobs. But all of them have that one common theme, except for the bill I have proposed, H.R. 3534; all the rest include some form of amnesty.

I assure you, Mr. Speaker, that any one of those bills would have passed through this body, as I say, a couple of years ago, just like that. But, do you know what? They are not going to make it this year. I do not think they are going to make it to the floor of either House, either body, and I do not think that if they did, they would actually ever become law, because the people are beginning to have their voices heard here, and it is great to see.

It is great to see some of my colleagues, who in the past have come up to me after I have made presentations like this, and said, ''You know, Tom, you were right on this, but I could never support you, because I have this political problem in my district.''

Now that political problem is becoming a problem for them if they do not support us in our efforts to reform immigration. That is the most amazing thing I can say. It is incredible. People's voices are being heard. The faxes, the e-mails and the calls, they are being heard. It takes time to change this body, to change their perspective point of view, but it is happening, and it is just the greatest thing I have seen in a long, long time.

The fact that few people are willing to pursue this, even the President of the United States after he made his speech in December has been unwilling to aggressively pursue this issue of amnesty and guest worker.

There is no reason to provide amnesty for anyone who has violated the law. There is no reason to do that. It only encourages, of course, more violations of the law. It is pretty logical to understand that. Either we are a Nation that respects the law and will in fact enforce it, or we should repeal it. We should not ignore it. We should not look the other way.

We should not pretend that when you bring an amendment to the floor that says we need to enforce the law against cities and States that are violating the law, we need to enforce it, we should not allow our colleagues to obfuscate the issue by saying things like, well, it is really a bad vote because our community would not get the money if they have the sanctuary city law. That is not a good idea. That is not a good idea, to reward illegal behavior. It is not a good idea to reward cities, it is not a good idea to reward people who violate the law.

I know that many of the people agree, millions of Americans from whom I hear on this issue and who are good enough to write and e-mail. It is just great, Mr. Speaker, I will tell you. You go back to the office and you get all these great e-mails from people in and out of your district, all over America. ''I am listening to your immigration speech on C-SPAN. Your ideas are being heard. Keep up the good work. We need more people like you,'' blah, blah, blah. ''Respectfully, Diane Furness from Minnetonka, Minnesota,'' and Rome, Georgia, and Weathered Rock Road in Jefferson City, Missouri, and Monroe, New York. All over America. These things come in night after night, day after day, and it is wonderful to see them.

It does recharge my battery, certainly, because I stand up here often on the floor of the House often, as I do tonight, by myself, in pursuit of this particular policy change. It is good to know that Americans do in fact watch

and do in fact care, and that they will in turn try their best to influence their elected representatives here.

That is what the process is all about. It is a good one. It does work. It does take time, and it sometimes seems so incredibly, incredibly slow, but it is happening, and that is the good news.

There is another bit of good news I wanted to give the people who are listening to this, Mr. Speaker. The Border Patrol and interior enforcement efforts help yield positive results, by the way, also increasing the ire of Mexican diplomats. Here is what is happening.

More than 150 suspected illegal aliens have been arrested by the Border Patrol in a sweep of newly created ''interior checkpoints'' in several Southern California communities, signaling a change in enforcement strategy. The sweeps, which began last week and are scheduled to continues indefinitely, targeted illegal aliens at public locations in communities as far as 100 miles north of the border. The order followed the August 2 arrest by the Border Patrol of five members of a Mexican family outside the Mexican consulate near downtown San Diego, all of whom were returned to Mexico.

□ 2130

The five who were en route to the consulate to apply for their matricula consular cards. I will explain what that is in a minute. Deputy Consul General Javier Diaz met with Chief Veal to protest the arrests, while Mexican Consul General Rodulfo Figueroa issued a statement saying he was astonished by the arrests because of their proximity to his office. Oh, my goodness. Could it possibly be that people who are here illegally are going to the Mexican consulate to get their matricula card? How can this be? I am shocked, as the line goes in the movie ''Casablanca.'' I am shocked.

Mr. Speaker, it is idiotic to think the people would not be coming. In fact, they come in droves. The lines to the Mexican consulates, Guatemalan consulates and others who are handing out these sort of get-out-of-jail-free cards to their nationals living there, the lines are blocks long. They never were there before the government started handing out these cards and we started saying in cities and localities, they were called sanctuary cities, that we would accept them. What an amazing, amazing thing. Sure, we have people lined up to the Mexican consulate. Sure, they are here illegally. If you are here legally, you do not need the card. This is an ID card that is given to you by a foreign government, and then that foreign government tells us we have to accept it, and many of our cities and States do so as a form of ID.

Now, if you are here legally, Mr. Speaker, you have a form of ID that we gave you. It is called a green card or a visa or a stamp on your passport, something that the United States Government gives you to tell you that you are here legally. The only people who need the matricula consular card are people who are here illegally. And, yes, they are lining up at Mexican consulates throughout the country.

Thank God somebody has decided to do something about it. I actually wrote a letter when this first started about a year ago, I wrote a letter to the Bureau of Immigration Control and Enforcement in my district, in my area, in Denver; and I suggested to them that this would be a perfect location for them to go with a big bus and just round up all of these people who are, in fact, there waiting in line, because 99.999 percent of them are here illegally. They said, well, what about that one-one thousandth of a percent of the number that might be here legally. We better not do it. Well, somehow, some way, they found a way to actually begin the operation of enforcing the law even as far as 100 miles inland, and I say, thank you, thank you, thank you. I say thank you to the Border Patrol, and I say thank you to the American public who have, in fact, forced this.

I assure my colleagues, Mr. Speaker, it would not be happening tonight if it were not for the tremendous pressure being placed on the Congress and on the administration to enforce the law. And it is happening, and there is this shift. Sometimes imperceptible, certainly not fast enough, but it is happening. This is the good news. We are actually arresting people who are here illegally, arresting them in places where they gather.

This has never happened before. In fact, in the past, Border Patrol agents were given a spot on the border, an X, literally, a big X, their car was parked there, they were told they could not move from that spot and that their only purpose was to try and stop people, try and intimidate people from actually coming across the line and walking by their car, by the Border Patrol car. It is idiotic, but that was the rule; and, in fact, many of them are still under that rule. And people said, are you crazy? That is not enforcing the law, that is making a mockery of it. I mean, we had Border Patrol agents who could watch people scurrying across the line and pass them; but they were told they could not leave the mark, the X.

Goofy? Yes. Idiotic? Yes. Frustrating? Enormously. Not just to those of us who care about immigration, but to the Border Patrol themselves. How would you like to have that job, Mr. Speaker? How would you like to be there all day long and told you have to sit on that spot and you cannot even arrest those who are running past you on the sides? You are there just as a sort of deterrent. If somebody looks at you and thinks, gee, I probably should not run right into that car, but if I run to the side of it either way, I am okay. Idiotic.

So now we are beginning to actually enforce the laws behind those spots. Now, it is only in one place, that is true. It is in Southern California. I have great hope. And of course, what is happening? The immigration crowd, the open-borders crowd, the cult of multiculturalists, they are going crazy about this. I heard somebody say here the other day, a Member, I believe it was, that people were afraid to go to school or afraid to go to work or afraid to go to church because they might be rounded up by the Border Patrol. Well, of course, nobody is arresting people for being at church or at school; but I am glad that they are afraid to go, because it is beginning to sound as though we are actually threatening to and even taking steps to enforce the law.

Now, if that law is not a good law, if we should not in fact have such a law on the books, there is a way to handle that in this Republic. It is to, in fact, repeal it. That is the way to do it. Bring a law to the floor saying we should not enforce; well, we will simply repeal any law against people who are here illegally, because we need the cheap labor and we want the votes, and we want this country to be influenced by the cult of multiculturalism; and let us see if we can get it passed. If we get it passed, let us see if we can pass it in the other body, and if so, let us see if we can get the President to sign it. He may do it. Because there are a lot of people in this body and in the other body who believe that borders are, in fact, nothing of consequence, nothing that anybody should pay much attention to.

Well, there are people in this room that feel that way, but relatively few Americans feel that way. And night after night I would stand up here and talk about the fact that there is this huge gap between what the people of this country want and what this government is willing to provide for them in terms of border security. But do my colleagues know what, I say to my colleagues. That gap is narrowing. Again, slowly, but it is narrowing. The momentum is shifting to our side of this debate. These things make the difference. One night of these things, and then night after night after night after night, it does begin to make a difference.

I know that we are making a difference when I see that I and other Members are attacked in publications around the country, conservative, sometimes conservative Republican publications, but publications nonetheless that are committed to the concept of free, or cheap, labor, I should say. It is okay with me to be identified as the culprit here, as the bad guy, the guy who is trying to stop immigration. Well, it is not immigration. It is illegal immigration, and it is my desire to reduce dramatically the number of even legal immigrants because we need to get a handle on this problem.

The problem is enormous. It is bigger, in fact, than just the issue of jobs.

It is bigger than the issue of false identification at the voting booth. It is bigger than all of the costs of illegal immigration into the country, which are enormous; far, far greater, by the way, Mr. Speaker, than the ''taxes'' that these folks pay. Most of the people here are here providing labor that is low-skill and, therefore, low-wage labor. So even those who are paying taxes are paying a very small amount.

However, even those folks have learned how to scam the system. What they do is to claim, many of them, claim four or five or 10 children living in another country. The IRS will give them an ITIN, an Individual Taxpayer Identification Number, for each of those children. They then become dependents on the tax form, and so the person not only ends up paying no taxes because they paid relatively few in to begin with, a few dollars in to begin with, but then they get an earned income tax credit on top of it. So we pay people to come here and work illegally. All they have to do is use a fake Social Security number, turn in the 1040, and get their check.

We spend hundreds of millions, in fact billions, of dollars every single year providing the infrastructure for people who are here illegally. We provided for people whose children we educate in our K through 12 system, we provide it for children of illegals who come in here and send their kids even to higher education; and in many States they are allowed, or else the proposals are there, I should say, to allow them to be subsidized by the State. In many cases the State does not even check to see if anyone is a real legal citizen of this country, if they are here legally; and they will give them tuition, because they will get reimbursed by the State and the taxpayer. So there are billions of dollars going there. There are billions of dollars being spent in pursuit of health care benefits for people who are here illegally.

Not many people realize this, Mr. Speaker, but part of the bill that we passed here not too long ago, the very controversial bill known as the Medicare/prescription drug bill, not only created the biggest entitlement program since the creation of Medicare itself, thanks to your Republican Congress and President, but a part of that bill was a $1 billion payment to hospitals for the treatment of illegal immigrants who are seeking health care. Mr. Speaker, $1 billion in our Medicare bill. This is at a time, of course, when we have about a $700 billion deficit in this country which will be extremely exacerbated by the creation of a new entitlement program and beyond that, $1 billion. And the line item actually said for the care, for the medical care of illegal immigrants in this country, illegal aliens in the country.

We had a colleague here who used to say when he would read things like this or see things like that, ''Beam me up, Mr. Speaker.'' I cannot be on the right planet. I can certainly understand it. Beam me up. You really mean we are going to take $1 billion out of a pot of money which actually does not exist, we are going to have to actually print or go to the bond pool and try to sell government bonds in order to get the money to pay it which, of course, creates a debt for the government; we are going to do that to pay for only $1 billion and, by the way, the hospitals complained about that and said that is not nearly enough, but they are experiencing far, far heavier drains on their reserves to provide health care for illegal aliens. We are doing that, and that is a problem.

It is a problem for our environment. Generally speaking, Mr. Speaker, the growth of this country, 90 percent of the growth is a result of immigration, both legal and illegal, and the progeny of people who come in here illegally; and a lot of people think that is good. That is where all the growth is coming from; that is great; we will have it. Well, there are really some very, very significant downsides to this thing called growth. If my colleagues do not believe that, just ask almost anyone in my neighborhood in Denver who are expatriates of California who have fled from the State of California, fleeing the growth in that State and fleeing all over the country, including Colorado, and, of course, making our problems with growth even more difficult: schools, hospitals, highways, housing. When you are stuck on the highway anywhere in this country, you have to ask yourself, how is it that the country is growing this quickly if we actually have a fairly stable birth rate? There is one reason, it is called immigration, both legal and illegal. That is the source of almost all of the growth in this country.

Along with that growth, of course, as I say, comes some big problems in terms of the environment. People coming into this country illegally have essentially destroyed large chunks of our pristine desert area along the southern border. Millions upon millions of feet going across that border have created thousands of foot paths that will not be something that can be overcome by the natural environment for centuries. They have driven their cars into the desert. They have polluted the water resources in the area. They gather in places called pickup sites where they discard their belongings and their clothes, many times, much of their clothing. A lot of human waste accumulates there while they wait to be picked up by a truck that would bring them farther inland. Sometimes these places are areas where thousands have gathered along the southern border. I have been there. I have gone through them.

□ 2145

And they are creating tremendous environmental problems that, of course, neither the EPA, that is another proposal that we have in the works, Mr. Speaker, is to require an environmental impact statement on immigration. Would not it be fascinating to know how immigration is, in fact, affecting our environment?

Strangely, I have not heard a positive response from the EPA or from the Sierra Club. I am sure that it is forthcoming. I am sure that, any day now, they are going to say to me, Congressman, we are so happy that you are trying to do something about the environment and we are going to even score this, if it ever gets to the floor, we will score it in favor, it is a vote in favor of the environment if we actually require an environmental impact statement on immigration. We have a bill like that. I will not take any bets about how quickly that will be allowed to come to the floor, or even be heard, of course, but I would love to see it.

Because it is just great to point out the hypocrisy of the establishment on this issue. The people that come into our committee, the Committee on Resources on which I sit and talk about the degradation of the land, and they will talk about it as long as one does not bring up what immigration is doing to the land, one does not bring up the hundreds of thousands of acres that have been burned along our southern border by people who have come in illegally they make camp fires, move on in the morning, camp fire, of course, gets out of control, burns hundreds of thousands of acres, Arizona, New Mexico, Texas, California. Nobody says anything about that.

I would venture a guess, Mr. Speaker, that most of the people listening tonight do not know about the environmental degradation of our land as a result of illegal immigration into the country, but it is enormous. It is horrendous.

Now, that is a problem and, of course, national security is a problem when it comes to illegal immigration. The fact that we continue to press for open borders, we continue to say that people should not come into this country, or we continue to say that we will not restrict the flow of illegal immigration, creates huge problems for us in the standpoint of national security.

Over the weekend, I was on the northern border. And about 20 or 30 miles north of Bonner's Ferry, Idaho, we went and talked to the Customs officials there at the port of entry and talked about the problems they face, talked about the fact that we have been able to do a much better job of creating a much more secure border crossing at the ports of entry. But, of course, all that means that all those miles between ports of entry, and there are thousands of miles, are completely open or, at least for the most part, open.

So as you make it more difficult to come into this country illegally through a port of entry, naturally, people will seek the weakest link in your defenses and those are the places between the ports of entry. And they are still coming.

We are still seeing people who are paying upwards of $50,000 to be smuggled into the United States. Now, these are people, almost all of whom are from the Middle East or from Asia. You have to ask yourself, Mr. Speaker, why would anybody pay $50,000 to be smuggled into the United States? It is not to work the local 7–Eleven store. No. It is probably to do something very bad once you get here and you do not want to be known as having come across the border. So you will not go to the port of entry.

It is one of those things that kids would do, when you would say do you think if you want to come into this country illegally you will go through a port of entry and they would go, ''Duh? Are you crazy? Of course not. Stupid?'' No. One would go around it. That is right. That is what they do. So it is good that we have, in fact, made our ports of entry more secure. It is idiotic that we refuse to make the miles of border in between them more secure.

So people are coming into this country with very bad, very bad things on their mind to do to us. Of course, there is the question. People talk about the illegal immigration being important for the economy. Well, let me tell you what it does to the economy. Massive importation of cheap labor is a very, very, very bad phenomenon and has a negative effect on low skilled, low wage American workers because it depresses their wage rates.

And one can look at any of the information we have, the statistical information we have on this and one will see that low income Americans have not seen an increase in their wages. So people come here to the floor and demand that we artificially increase them by increasing the minimum wage. But, of course, if we allowed the market to work, restricted the flow of cheap labor, you would see an increase, a natural increase in the wage rates of people who are here and who are poor.

Because, of course, if one wants to really and truly be a purist about that kind of economics, one would say that, as the President said, we should allow, for every single person who wants to work, find an employer who wants to employ them.

Well, if one thinks about that, at first it sounds perfectly logical and right and good, but if one thinks about it for a minute, one has to realize that there are, of course, billions of people out there on the other side of the world or on our borders who, in fact, are willing and desirous of a job, a job presently held by an American citizen for X number of dollars, and these people are willing to come here and take it for X minus something.

And then, of course, if one moves a little farther out to other parts of the Third World, there are more people who are willing to come and replace those who just came in at an even lower rate. So naturally, this massive immigration, legal and illegal, has a detrimental effect on low income earners in America.

It also, frankly, when we do things like export high tech jobs or import high tech workers from India or anywhere else on the abuse of the H–1B or L–1 visa, what that does, of course, is to actually also put a damper on the wages for middle income people, higher income people. This does not help us. It helps certain companies, that is true. It does not help America.

And so we look at the economic implications of massive immigration, we look at the environmental implications, we look at the national security implications. One comes to the conclusion, I think, if one looks at all of these things in an objective way, one comes to the conclusion that there is at least the room for debate as to whether or not immigration is all that good, or if we should not control it much more effectively than we do, even if it is good. Should we not know who is coming in, for what purpose, and for how long they are going to be here?

So there are a whole bunch of reasons why we should all be concerned about immigration into this country, especially illegal immigration. But there is one that is even more significant, an issue that I think is overriding all of it. And that is the fact that there is something else happening in America that deserves our attention. We are as a Nation becoming less and less sure of who we are. We are being more and more confused about what the idea of being an American really is. We are being pressured constantly by the cult of multiculturalism.

To suggest that there is nothing good or valuable about Western civilization or that everything that we represent to the world is a negative, and that our efforts have been, generally speaking, unproductive at the best, and, probably, at the worst they have been detrimental to the benefit of humanity, this is what we put in the textbooks. This is what we teach children. This is what our movies show us. This is a phenomena that is absolutely fascinating to watch.

There was a book written in the 1970s, and I read it, it was by a gentleman by the name of Arthur Schlesinger, Jr. He is a liberal. I am a conservative. But I must admit to you this was a captivating book in many ways because of what it said about who we are. And the title of the book that you can still get, I am sure, in fact, I got another one just a couple of months ago, the title of the book is, ''The Disuniting of America'' by Arthur Schlesinger, Jr.

He is talking about the multiculturalist phenomena that everything where we go and everything we see is designed to split us apart in America instead of pulling us together. That we will become divided into all of these subgroups, these Balkanized ethnic groups or some group victimized in their own minds and divided up so that it becomes harder and harder to understand what America is really all about. In fact, it becomes harder and harder to identify those ideas and ideals that hold us all together as Americans.

He talked about this 30 years ago. There have been books subsequent to that written by people like Samuel Huntington. Mr. Huntington, one of his books in the 1990s was called ''The Clash of Civilizations.'' It talks about this. His most recent book that came out last month is called, ''Who Are We?'' I recommend it to anyone who has an interest in this issue, anyone who thinks about this issue beyond the most superficial level.

Who are we as Americans? Do we really know? Are we really and truly doing those things that are designed to have everybody who is here, whether they are from Azerbaijan or Zimbabwe, regardless of the country of origin with redoing those things that encourage people who come here as immigrants and people who are born here and in our school systems, are we doing those things that encourage those people to connect with the idea of America? Are we telling them that they should stay separate? Are we telling them that they will teach them in their own language even if that language is not English? Yes, of course, we are.

Are we encouraging them to keep their political affiliations to other countries, not just the United States? Yes, in fact, we are. We now have somewhere near 10 million people it is estimated who live in this country with dual citizenships. We are seeing other countries in the world take advantage of this cult of multiculturalism that permeates our societies.

We are seeing, in fact, the President of Mexico who was here just a few days ago, June 18, this is an article out of the Phoenix paper, Mexico City, ''Mexican President Vincente Fox announced Tuesday he planned to send a bill to Congress asking law makers to give Mexicans living abroad the right to vote in their elections in Mexico in 2006.'' Currently, Mexicans have to return to their home country to vote.

More than 20 million people of Mexican heritage live in the United States, and half of those are Mexican born. Mr. Fox also came here to the United States just a few days ago and was essentially campaigning here in America for votes from the Mexican American community or I should just perhaps say Mexican community, because I do not know what attachment they have to America. But he is telling them that they should not attach to America, that they should retain their political ties to Mexico, vote in Mexican elections.

Now, why is he doing this? I will tell you. There are a couple of reasons. One is that he wants them here in the United States, he wants to encourage more people to come from Mexico to the United States, but he also wants to make sure that when they get here they continue to have an allegiance to Mexico and therefore they will send home remittances, the money I was

talking about earlier, the money that is made by people who work here but sent home that now accounts for about $15 billion to the Mexican government and the Mexican economy.

And now it is higher, that is a greater amount than any other foreign investment in the country. It is greater than the amount invested by tourists in Mexico. It is second only in terms of the dollars brought into the country to PEMEX who is their Mexican-owned, government-owned oil company.

So do you now understand why President Fox was here in the United States essentially campaigning for his presidency by asking people here to remain connected to Mexico and complaining, by the way, about their rights that he says are being violated by the United States? And that he says I will take up this issue of your rights here with the President of the United States, the rights of people who have violated the law to come into the country to begin with.

□ 2200

It is true that anybody here certainly has a certain degree of human rights. They have the right to life, but in terms of all the other ''rights of citizenship,'' the right to vote, the right to get driver's licenses, the right to send your children to higher education, all those are supposedly reserved for people who are here legally, whether they came from Mexico or Guatemala or Hungary or Italy or China, wherever they came from. If they came here legally, they have a right to all of those things.

If you come here illegally, the question is what are your rights, and certainly it is not the business of the President of Mexico or any other foreign government to come in here and lecture us about the ''rights'' we are providing or not providing to citizens from other countries. I would just end by saying, if they are coming here illegally, there is a solution to the problem. They can return. If their rights are being violated, they can return home. They are not doing that.

IRAQ WATCH

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, we come tonight again, the group that is styled the Iraq Watch, or a group of my colleagues and myself who are committed to continue to bring accountability to this administration's policies in Iraq, to fulfill Congress' oversight responsibility to not allow administration mistakes in Iraq to go unheeded and have no accountability for them; and we are here tonight, and I expect the gentleman from Massachusetts (Mr. DELAHUNT) and others will join me in this discussion.

We have been doing this now for several months; and tonight, as on many nights, I have great sadness walking over here to speak this evening. Just as I was leaving my apartment, I saw on the news that we have lost two more great American warriors in the service of their country in Iraq, and I do not know who these gallant Americans were. I do not know where they are from. I do not know what happened to end their lives in Iraq, but I do know this: those two proud and honorable Americans deserved a President of the United States who told the truth to the American people before he started this war that resulted in the tragedy of these two people losing their lives.

I know that this Congress has a solemn obligation to hold this administration accountable if, in fact, it is true that this administration did not tell the truth, the whole truth and nothing but the truth to the American people before this war started; and tonight, if we seem a bit angry about this situation, it is because on our minds and on our hearts are the death of these two American soldiers and those who have gone before and those who will come after.

Our duty, as we see it tonight, is to discuss the manifold failure of this administration to, one, tell the truth in Iraq; and, two, to pursue a policy that would reduce the danger to our service personnel serving in Iraq, and our discussion will proceed on those lines.

Now, let me start, if I can, on this fundamental question: Did the President of the United States of America fully level with the American people before he started this war? That is the question. If the answer is no, we think that is one of the greatest assaults to democracy that could possibly happen.

There are many things that can go wrong in a democracy, but I would assert that the most serious affront to democratic principles of a representative government is for the elected leadership to start a war based on false information. Nothing, nothing can be a more serious breach of the solemn obligations when one takes the oath of office than to start a war based on falsehood, and we are here tonight to answer the question of whether or not that occurred.

So let me start at the beginning of the Iraq war. The President of the United States asserted that America should start this war in Iraq based on two fundamental pillars, and his entire rationale for this war was based on these two pillars. He was successful in convincing a large majority of the American people that those two pillars were both factual, and those two pillars were these two:

Number one, the President asserted that Iraq possessed wholesale amounts of weapons of mass destruction which presented a threat to the United States of America and our personal and our family's security. He told the American people that time after time after time. This statement was false. This fundamental pillar of this war was false.

This President told us and stood right behind me and told the American people that we had information, the British had information that, in fact, Iraq had obtained yellow cake to extract uranium from it to build a nuclear weapon. That statement was false; and most importantly, the White House knew it was false. The White House had been told it was false. The White House had sent an emissary to Africa to check the accuracy of this statement, and Ambassador Joe Wilson who served proudly, who the first President Bush described as a hero during the first Persian Gulf War, came back and told the White House this statement was false. Two soldiers died today in Iraq based on a falsehood that was given to the American people that the White House knew was false. This pillar did not stand.

The President of the United States told us that Iraq had drones that could fly across the Atlantic, apparently, and spray Americans with biological and chemical weapons, and this scared the living pants off people in America who heard this, as it should have, and as the White House knew that it would. Unfortunately, now that reports are peeled away, we have found out that even our own Air Force told the White House this statement was false; that they were kind of balsam wood things meant to take pictures of troop movements and the like.

So the first pillar upon which the President of the United States sent soldiers to their death was false. So let us examine the second pillar, if I can, for a moment, and then I will yield to the gentleman from Massachusetts (Mr. DELAHUNT).

The second pillar upon which the President's scaffolding of falsehood was built was a clear assertion that led to a significant majority, seven out of 10 Americans, to believe that Iraq was associated, was behind the attack on this country of September 11, and the President was successful, again, in creating this impression. He was successful in convincing seven out of 10 Americans that Saddam Hussein was behind these heinous, vile, indeed evil, attacks on America of 9/11. But it was not true. It was not true.

Now, we know it was not true because a bipartisan commission has come back and stated categorically there is no credible evidence; and I want to read the quote to make sure I get it right: ''We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.''

Yet, seven out of 10 Americans were convinced by this White House that Saddam Hussein was behind these attacks on America. Where did Americans get that misimpression? Did they get it from Dan Rather? Did they get it from the New York Times? Did they get it from the Shopping Channel? No. They got it from the President of the United States, who led these people to

believe that Iraq was behind this attack and that these folks were in an alliance with Iraq who attacked us.

Let us look at what the President said. The President is saying, well, no, I did not really mean to say that. Golly gee, I did not mean to suggest or lead anybody to believe that Saddam was evil enough to have attacked us actually or that he was an ally. I just sort of suggested they talked to one another at some period of time. Well, look at what the President said in fact.

In fact, the President, while he was on the deck of the aircraft carrier *Abraham Lincoln*, declaring the mission accomplished, several hundred dead Americans ago, he said the defeated Hussein was ''an ally of al Qaeda.'' An ally of al Qaeda. Is the President now to have us believe that he said that Saddam was an ally of al Qaeda, but he did not mean to suggest they actually helped each other? Is that what he expects us to believe? That is very difficult to swallow.

The Secretary of State Colin Powell told the United Nations that al Qaeda was operating inside of Iraq, inside of Iraq. It turns out we find out ''inside of Iraq'' means they were in the Kurdish-controlled area that was inside our no fly zone. Now, are we supposed to know that?

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield.

Mr. INSLEE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, can I interrupt, because I think that is very important because that has been an assertion that I think is extremely misleading to the American people.

My colleague referenced the no fly zone; yet I imagine that there are many of our colleagues on both sides of the aisle and a number of Americans that are watching this conversation tonight that we are having and if you hear it without understanding some of the nuances, you hear al Qaeda was in Iraq, but as that famous radio commentator, I think his name was Paul Harvey, said, there is another half of that story.

Yes, there was a group that had some nebulous link to al Qaeda, and they were in Iraq; but they were not in Iraq in the part that Saddam Hussein had sway over. They were not in the part of Iraq where Saddam Hussein had influence. They were not in the part of Iraq that Saddam Hussein had any control. They were in the part of Iraq, as my colleague mentioned, in the so-called Kurdish area up in these mountains.

There was a group of some 200 or 300, and they were not directly linked to al Qaeda; but, yes, they were a terrorist group and one that we should not in any way countenance. They were a threat, if you will, to people of goodwill all over this world; but they were not a part or had any relationship, collaborative or otherwise, with Saddam Hussein.

□ 2215

And yet again and again, this White House continues to talk about al Qaeda and Iraq, but what they do not say is that it was a group that was in Iraq that was outside of the influence of Saddam Hussein. It was in, as indicated, in the so-called no-fly zone. Saddam Hussein did not dare enter that zone.

Mr. INSLEE. And yet the President of the United States just left out that little fact that they were in the part of Iraq that Saddam did not control when he discussed this issue.

Now, this omission has led many people to be very concerned, even those who have supported President Bush. I note this editorial in the Dallas Morning News of June 22, 2004. This is a newspaper that supported President Bush's election. In fact, they noted that in this editorial, and they have listened to the administration's response to the 9/11 Commission. They have listened to this sort of excuse-making that has come out of the White House to try to excuse this. But look what the Dallas Morning News, a newspaper that has supported President Bush, said.

It said, ''U.S. troops have found no Iraqi weapons of mass destruction, and the 9/11 panel says there was no working partnership between al Qaeda and Saddam Hussein. President Bush presented both WMD and the al Qaeda-Hussein link as reasons for striking Iraq before it attacks us.

''The President has a credibility gap here, and he needs to address it right away. Vice President DICK CHENEY tried but failed miserably. He said, in effect, 'we know more than you and you better trust us.' ''

And then, I might have to subscribe to the Dallas Morning News, because I think in the next paragraph they hit the nail on the head. ''The country did just that when we went to the war in Iraq, but things aren't working as promised. The administration needs to respond with specifics, not like members of a secret society with keys to the kingdom.''

But the unfortunate truth is there really is nothing the administration can now say to excuse the fact that they gave us false information to start the war.

Let me note just one other quote. Vice President CHENEY, who is now saying we did not really intend to imply that there was a working relationship between al Qaeda and Iraq, we did not mean to say that, but what did Vice President CHENEY say before the war started? He said on Meet the Press that by attacking Iraq, ''We will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who had us under assault now for years, but most especially on 9/11.''

Now, obviously the vice president was trying to create an impression that we were going to be striking back at the people who struck us on September 11. That is the obvious implication of his language. I do not think he was simply trying to point out that Iraq is in the Middle East. I do not think it was a geographic lesson he was trying to give us. He was trying to build support for a war that was based on two huge falsehoods, one falsehood about weapons of mass destruction and another about this alleged working relationship between Iraq and al Qaeda.

Now, there are connections between Iraq and al Qaeda. They both have ''Q'' in their names, but the 9/11 Commission concluded there was no working relationship between these two groups.

Let me mention one thing, and I will yield to the gentleman from Ohio. In fact, what the 9/11 Commission, again, a bipartisan commission, chaired by the former New Jersey governor, Republican governor, bipartisan group, what they concluded was that years back, back in 1994, Osama bin Laden had, in fact, asked Iraq for help but had been rejected.

Now, that may be a contact, but it is not a basis for a war, and it is most unfortunate now that even today this White House will not come clean about their manifest falsehoods that they gave us. And until they do, we will be here blowing the whistle on these falsehoods.

Mr. STRICKLAND. I would just say to my friend from Washington State, why is this important? And the American people may be asking why we stand here and talk about the decisions in the past that led to this war, and I would just simply say it is important, because we have lost somewhere in the vicinity of 850 precious American lives. We have well over 4,000 precious American soldiers who have been terribly wounded. Many of them have lost their arms and their legs and their sight, and they have been damaged for the rest of their lives. That is why it is important.

And it is important, because the same people, the same people who took us into this war based, as was said, on false assumptions and false premises are the same people who are still in charge and who are making decisions for what is happening right now and want to be in power to make decisions about what happens next year and the year after that and the year after that. That is why it is important for the American people to understand what has happened, because we need a change of leadership.

Before I yield to my friend from Massachusetts, just let me say this. There may be people who observe this debate and feel somehow disconnected from this war. They may have no one fighting in Iraq that they love or are related to or even know, but if they have got children, if there are parents watching who have 13, 14, 15, 17-year-old sons and daughters, they ought to pay attention to this debate, because we have stretched our military so thin, and that is why we are extending the months of service for our National Guardspersons and our Reserve persons.

We do not have the capacity, in my judgment, to really respond to something if it happens in Iran, or in North

Korea. What are we going to do? I will tell you what we are going to do if this administration gets another term. We are going to have to impose a military draft. If we impose a military draft, the next time there are not going to be the exceptions that many of us had available to us in years past. There will not be exceptions for educational studies, I do not believe, something that I took advantage of and that Vice President DICK CHENEY took advantage of.

So the parents in this country need to be watching this debate. If they have got children and they do not want their sons and daughters to be subject to a military draft, then they ought to be involved and engaged in what is happening in the United States of America today, because our military is stretched thin. We do need more troops in Iraq, as General Shinseki warned us many, many months ago, before he was pushed aside and mocked, and quite frankly, made fun of and ridiculed by the Vice President and others in this administration.

That is why I have constituents, we all have constituents, who have been pulled from their communities, separated from their families, sent to Iraq, expecting to be there for a limited, set period of months. And now what are they being told? They are being told, we have got a stop loss policy in place. You cannot even leave to return home or to leave the service when your contractual obligation is up, because we simply do not have a sufficient number of men and women in our Armed Forces. That is the sad truth that we face as we debate this tonight.

Mr. INSLEE. Let me suggest, and the gentleman brings up a very important point, it has been called a stop loss order, but it really is a start the draft order. This is a silent draft. These people are being drafted into service they did not sign up for. They signed up for a definite term and they are now being drafted. They happen to be in Iraq right now, but we are already seeing the implications of the policy as the gentleman has addressed. It comes back and again the Dallas Morning News called it the Iraq Trust Gap, this is the President and his neocon colleagues who were telling us that this war would be simple, we would be welcomed with rose petals, our people would be home in a reasonable period of time, it would not stress our military, we only needed 100,000 troops, there would not be massive looting after we had this amount, there would not be casualties after a period of time, the mission was accomplished back in May 2003.

All of these things are appropriately creating a trust gap not only for the President, but for the United States.

Mr. STRICKLAND. I want to read another paragraph or two from the Dallas Morning News. This is no left-wing newspaper. This is the Dallas Morning News, a major newspaper in the President's home State. They said at the beginning of their editorial:

A time comes in most administrations when supporters tell the President he has a problem. Bob Dole told Ronald Reagan that he should worry about the deficit. Tip O'Neill told Jimmy Carter that he had better improve his icy relationship with Capitol Hill. And George W. Bush told his father that White House chief of staff John Sununu needed to go.

The supporters find themselves like skunks at the garden party. They back the President but see a problem. And they decide to speak out.

We find ourselves in that position with President Bush and the war in Iraq. We supported the President when he ran for office. We backed the war in Iraq. But now we wonder, what happened?''

What happened is this, that the American people and this Congress were given information that was false and we were encouraged to believe something that was not true. There is no evidence that Saddam Hussein, as bad as he was, as evil and despicable as he was, had anything to do with the attack upon the United States of America. And the American people needed to know that before our sons and daughters were sent to war in Iraq. It is true that Osama bin Laden was responsible. It is true the Taliban were responsible. That is why every Member of this Chamber, save one, supported our decision to go to war in Afghanistan.

We supported the overthrow of the Taliban. Many of us have been calling for months for an increased effort to find, apprehend or kill Osama bin Laden. He was the one who orchestrated the attack upon this country, and tonight he is roaming free somewhere on the face of this earth planning the next attack. Can we imagine that if we had taken the resources and put the effort into finding Osama bin Laden that we have invested in Iraq, do any of us believe that we would not have found this man and have put him out of business?

I think it is beyond question that if we had put the resources into finding Osama bin Laden and fighting al Qaeda, we would not be worrying tonight about what that man may be planning in terms of the next attack upon our Nation. But we did not do that. We diverted resources to Iraq and consequently the real enemy, the real threat to our country, is roaming free this very night.

Mr. INSLEE. I have got to add just one more thing before I go to the gentleman from Massachusetts. Another thing the administration did in not finding Osama bin Laden, in not cutting off the head of al Qaeda, I got a letter today, because I was trying to investigate, I asked the Department of Treasury, is it true that the administration 2 days after September 11, allowed a chartered jet airplane to fly around America picking up Osama bin Laden's relatives and flying them out of the country before they were fully interrogated and debriefed about the potential relationship with Osama and al Qaeda and over 100 Saudi citizens where now we know the attack emanated from? They answered, yes, that is true. Our administration, when no one else could fly in America, people were stranded here, had to drive across America to get home from Washington, D.C., but while you had to drive home from Washington, D.C., the President of the United States, the administration, told all the Saudi Arabians, we will let you fly, without even talking to the CIA or the Department of Treasury to find out if they were associated with this.

They said, indeed, that was true. I asked them, why is that? They frankly could not give me an answer. That is just one problem we have got.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I would like to submit that the real danger here is because of this diversion which is a military intervention, a war on Iraq that it subverts, detracts from the real war that threatens the American people.

□ 2230

The war by fundamental Islamist terrorists that, because of our intervention in Iraq, are every day spawning new groups and new terrorists. The policy of this administration in terms of the so-called war on terror is creating, I would submit, a situation where if it continues, yes, we have won the war in Iraq, but we will lose the war on terror. It is very important that the American people, those that are watching our conversation here tonight, understand that there is a profound distinction between this adventure in Iraq for reasons that at some point in time we should really get into: Why did we end up going to Iraq? Well, we know this from people within the administration, far in advance of September 11, the day of our national tragedy, plans for war against Iraq were being designed.

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

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, former Governor Kean, the Chair of the 9/11 Commission, a Republican, a highly respected Republican ex-Governor, has said, and he said it over the weekend, I heard him, that there were many more reasons to believe there was a connection between al Qaeda and Iran.

Mr. DELAHUNT. Why did we not go into Iran? Why?

Mr. STRICKLAND. Mr. Speaker, that is a question that needs to be explored. And, quite frankly, now we know that Iran apparently is going to pursue their nuclear capabilities. And what are we going to do about it? What are we going to do about it? With 135,000 troops bogged down in Iraq, how can we pose a credible threat to Iran to try to get them not to pursue nuclear capabilities?

I think we have overextended ourselves, we are exhausting our troops, and we are putting ourselves in great jeopardy as a Nation. And our national

security is in jeopardy, I believe, because we have overextended ourselves; we have miscalculated in Iraq. And we will find ourselves hard pressed to meet a threat anywhere else on Earth if we were in need of a significant number of troops anywhere else. And I think that is a serious problem that this entire Chamber should be addressing.

Mr. INSLEE. Mr. Speaker, if I may, I would like to attempt to answer the question why we are in Iraq rather than Iran, and the answer is because we have an administration who is willing to follow their ideology rather than the evidence. They are willing to say things as long as it is consistent with their ideological beliefs even if it is inconsistent with the facts as given to them by our intelligence agents.

Let me give an example. The Vice President now for 2 years has just kept spouting this statement that the reason we should invade Iraq is because there was a meeting, one of the reasons, because there was a meeting between Mohammed Atta and an Iraqi intelligence person in Prague.

Mr. DELAHUNT. Mr. Speaker, Mohammed Atta, by the way, for those who are watching us, was the leader of the 19 hijackers that were responsible for our national day of tragedy.

Mr. INSLEE. Mr. Speaker, so he has been saying this over and over again in city and town and ''Meet the Press'' and who knows where else. And what did the bipartisan commission conclude about this key of his whole argument that Saddam Hussein had a working alliance with al Qaeda? They concluded: ''We have examined the allegation that Atta met with an Iraqi intelligence officer in Prague on April 9. Based on the evidence available, including investigations by Czech and U.S. authorities, plus detainee reporting, we do not believe that such a meeting'' occurred.

So despite the best intelligence of the United States of America, the Vice President is willing to continue to spout something that is false, according to our best intelligence, in order to back up this ideological fixation of invading Iraq. That is why we are in this war, because we have an administration willing to do that.

Mr. STRICKLAND. Mr. Speaker, let me say this, if I may. Some people think if you repeat something often enough even if it is not true, people will come to believe that it is true.

Mr. DELAHUNT. It is called the big lie theory.

Mr. STRICKLAND. The big lie theory. And the fact is that this is being repeated over and over and over in the face of evidence of this bipartisan commission that it is simply not true. Why would a member of this administration continue to say something to the American people that is not true?

Mr. DELAHUNT. Mr. Speaker, if I can interrupt, and we are joined by the gentleman from Hawaii (Mr. ABERCROMBIE).

We all remember, of course, that it was again this White House that assigned a former United Nations inspector to go and search for the weapons of mass destruction in Iraq. His name is David Kay. He is universally described as someone of great integrity, of great expertise. He does his job, and he comes back and he claims that we were all wrong. That is months ago. This particular cover of Newsweek is dated February of this year. We were all wrong. There were no weapons of mass destruction. There were no links to al Qaeda and Saddam Hussein. And yet he is befuddled and disturbed by the fact that this President and this Vice President will not own up to the fact. He was interviewed by a British newspaper, and his recommendation to President Bush and particularly Vice President CHENEY, because if there is anyone who has pushed this particular adventure, it is the Vice President of the United States, RICHARD CHENEY. Let us just put it out here tonight. And I am quoting him, assigned by this White House, presumably a Republican, a hawk on the war, he says, ''It is about confronting and coming clean with the American people, not just slipping a phrase into the State of the Union speech. He should say we were mistaken and I am determined to find out why.'' And they will not let go. They will not let go.

Mr. INSLEE. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I think the hearing that we had in the Committee on Armed Services today makes clear that they have moved from that position to the point that it does not matter. That is essentially the point that Mr. Wolfowitz was taking today, the Deputy Secretary of Defense, Mr. Paul Wolfowitz, who is one of the individuals that has been cited here and has been involved in the decisionmaking based on this false intelligence.

Mr. STRICKLAND. Mr. Speaker, would the gentleman let me say a word about Mr. Wolfowitz, since he brought up his name? He is, in fact, one of the architects of this war, as we know. He is the Deputy Secretary of Defense. And I was appalled a few weeks ago when he was asked how many American soldiers we had lost in Iraq, and this man who pursued this war and who is the Deputy Secretary of Defense did not know. He implied that there may be about 500 who had been killed. At that time there had been 721. Every morning when Mr. Wolfowitz wakes up, he ought to be thinking about the soldiers who have been lost over there. And I am sorry I interrupted my friend.

Mr. INSLEE. Mr. Speaker, I want to make sure the good gentleman from Hawaii can share some wisdom.

Mr. ABERCROMBIE. Mr. Speaker, it is not interference at all, believe me, because this is complementary to what has been said. I can tell the gentleman on April 20 of this year, he is thinking about an army. Here is what he said to the Committee on Armed Services, Mr. Wolfowitz said, on April 20: ''There is no question it would be nice right now to have a larger army.'' These are the same people that were claiming, and reclaimed again today, that General Shinseki was wrong. He did not mention General Shinseki, but he went out of his way to make sure that everybody understood that we did not need a greater Armed Forces even though he said so; it would be nice to have a larger Army but absent that, after all, we can on the 200,000 security forces that he says are now in place.

I have his testimony here before me, a written statement given today before the Committee on Armed Services in which he indicates on Page 3 that we are going to be full partners with the Iraqis. This has to do with the sovereignty issue, that they are going to take the lead, he says elsewhere, that they have 200,000 Iraqis in a security force that is a ''work in progress,'' an interesting way of looking at it, that according to the Prime Minister, as related by Mr. Wolfowitz, they are ready to take charge on July 1. There has been enormous progress.

So I asked him today, well, is there an end in sight? And there is no end in sight. It is schizophrenic. I pointed that out to him today. On the one hand, everything is fine, everything is working according to plan, maybe a little bit behind schedule, but nonetheless working its way right along; and on the other hand, we are going to have to be there forever as some kind of partner. I asked partners, I understand the word ''partner'' and the phrase ''full partner.'' What does it mean in terms of who is in charge in relation to these young and men as well as some older members of the Guard and Reserves who are being killed and wounded? Who is in charge? I cannot get from General Pace, I cannot get from Secretary Wolfowitz, who is in charge. Who makes the decisions? They are talking about a partnership on all levels, regional, national, and local; a unity of command; a consensus on the way ahead. And it is supposed to be working out of what are called joint operating centers. How these joint operating centers are supposed to make any decisions regionally or locally or nationally is beyond me.

What is clear from the testimony today is all the discussion that has been taking place about the reasons for going to this war have been entirely set aside; and now apparently what the mission of the United States is, is to act as some kind of backup force, according to them: ''U.S. forces are there to help out. They are backup.'' That is the motto, a backup force for whatever is to take place now to achieve some kind of nation-building. That is now what our mission is all about. It has nothing to do with weapons of mass destruction. It has nothing to do with anything else that was used as a reference point for why we are going to war, an immediate threat to the United

States in terms of weapons of mass destruction, some kind of military connection to terrorist organizations that are an immediate threat to the United States.

Mr. DELAHUNT. Mr. Speaker, when are they going to go and fight the war on terror and absolutely defeat terrorism?

Mr. ABERCROMBIE. Mr. Speaker, I will answer the gentleman; but according to Mr. Wolfowitz today, terror is now being defined as the insurgency in Iraq. If there was not anything before, we have now created it as a result of the actions that we took based on this false information.

So now the situation has been redefined. The war on terror has been redefined to be the activities of what are termed killers and terrorists and all kinds of anecdotal references as to what that means. We have to go no further than what happened today, an assassination in Mosul of the head of a law school and her husband being beheaded, killed with her and beheaded; another American soldier dying; roadside bombings, all the rest of these kinds of activities taking place so that what was going to happen, in my judgment, on July 1 is that the American military will be set adrift in a desert sea with no compass, with no direction, with nothing except to provide backup under this full partnership in these so-called joint operating centers to make decisions about what we are going to do with the military in Iraq. I was unable to determine today from Mr. Wolfowitz exactly what the role of the Guard and Reserve forces and what the deployment schedule are going to be.

□ 2245

I asked, is there an end in sight? I got Korea, 50 years. I got Germany as an answer. I got Bosnia as an answer. I said, if that is the case, if you are going to cite Bosnia, which he does over and over again, in Bosnia there has been a steady drawdown of troops. Times and schedules are announced. Troops have been drawn down. If we are talking about Korea or Germany, none of the conditions prevail in South Korea or Germany that prevail in Iraq today. So, the analogies are at best totally inaccurate and have nothing to do with what is taking place today in Iraq.

The question remains, if the reasons for going to war have now proven to be at best inadequate, and, at worst, false and misleading, and deliberately so in order to fulfill whatever ideological agenda was then in place in the Bush administration, the fact is now that the mission of the United States military is to somehow provide a backdrop, a foundation or background to this increasingly apparent civil war that is now underway in Iraq.

Mr. DELAHUNT. If the gentleman will yield, can I ask a very brief question? What did he say about the terrorist cells that now exist in Iran, in Syria, in Pakistan, in Sudan, in Indonesia, and I could list a long litany of other terrorist cells that are a threat to the United States? What did he say, if anything; or is he just simply focused on Iraq?

Mr. ABERCROMBIE. Because the question arose in several contexts, including questions and observations made by the gentleman from Pennsylvania (Mr. WELDON) and others on the Republican side of the committee. We try very hard in that committee to work together as Americans to try to come to these conclusions. The gentleman from Pennsylvania (Mr. WELDON) raised the issue of Iran. Other issues were raised with regard to Iran and Syria with the border police.

The best that I can discern out of all of this is that somehow this war was to prevent this from taking place, that is to say, the increased terrorist activities to the degree it can be associated with reference to Syria or Iran, but I was unable to get out of his answers anything that would indicate how could we deal with it.

Mr. DELAHUNT. Have the terrorists left Iran and Syria and Sudan? What is he saying?

Mr. INSLEE. Mr. Speaker, reclaiming my time, let me make a suggestion. There might be a reason the gentleman from Hawaii (Mr. ABERCROMBIE) might have trouble understanding Mr. Wolfowitz.

Mr. ABERCROMBIE. I do not have trouble understanding him.

Mr. INSLEE. Or accepting his explanation, is I suspect the gentleman from Hawaii (Mr. ABERCROMBIE) does not share Mr. Wolfowitz's belief that it does not matter that this war was started, based and started on a falsehood. I suspect the gentleman from Hawaii (Mr. ABERCROMBIE) agrees with me that when you look in the eyes of a young widow, as I have, who lost their husband as a result of this multitude of falsehoods by this administration, it matters a whole heck of a lot. And this administration is now trying to demean and belittle the fact that they started a war based on falsehood, and they think that Americans are just going to forget it, and somehow we are supposed to forget the incompetence, the rank incompetence, the multitude of tactical, logistical, strategic mistakes they made time after time, of total ignorance about the cultural situation in Iraq, about the looting we knew was going to happen, and somehow we are supposed to forgive and forget that.

Mr. ABERCROMBIE. If the gentleman will yield, I will tell you exactly what Mr. Wolfowitz thinks on that subject. In the New York Times Magazine, interviewed by Bill Keller in September of 2002, a year after the 9/11 activity, I will tell you exactly what he said.

''There is an awful lot we don't know, an awful lot we may never know, and we have got to think differently about standards of proof here. In fact, there is no way you can prove that something is going to happen 3 years from now or 6 years from now. But these people have made absolutely clear what their intentions are, and we know a lot about their capabilities. Intentions and capabilities are the way you think about warfare. Proof beyond a reasonable doubt is the way you think about law enforcement. And I think we are much closer to being in a state of war than being in a judicial proceeding.''

That should give you a very brief summary of the answer that would be forthcoming to the questions you just raised, namely, it does not matter.

Mr. INSLEE. Reclaiming my time, I may note that the people who are responsible for the mistake of not putting enough troops in Iraq to quell the looting that was sure to occur, the people who made the mistakes about assessing the threat level posed by Iraq, the people who did not provide body armor to our soldiers when they went to war without adequate flak jackets, the people who sent our soldiers into the streets of Baghdad in canvas-lined Humvees instead of armored personnel carriers, who ignored the fact that we were going to need to protect our soldiers against these improvised explosive devices, the people who have made all of these mistakes are still the people in charge of our policy in Iraq. Not one person in the civilian hierarchy of the Bush administration who is responsible for these massive foul-ups that have cost hundreds of lives has lost their job or a day's vacation as a result of these foul-ups.

Mr. STRICKLAND. If the gentleman will yield, I think the reason they have not lost their jobs is because these decisions were made at the very highest levels of this administration. I do not think we can blame the lowly bureaucrats. I think the people in the highest positions of decision making in this administration are responsible. So, are they going to fire themselves? Probably not.

Mr. INSLEE. Of course, I am referring to the Secretary of Defense, who is the primary architect for this, and Mr. Wolfowitz, who is an architect of this. These are the decisionmakers that should be held accountable for these foul-ups. I hope the gentleman from Ohio (Mr. STRICKLAND) agrees with me.

Mr. STRICKLAND. Yes, I agree.

Now, if I can just make an observation: I think the American people would accept from this administration, from the President, a statement that things have not gone just the way they hoped they would go; that perhaps mistakes have been made.

What I think the American people will not accept is a continuation of a failed policy that grows out of an unwillingness or an inability to accept responsibility for mistakes, to admit those mistakes, and to change course.

Quite frankly, I believe it takes strength and courage to admit a mistake. What I see from this administration is a stubbornness and an arrogance that is unwilling to admit even one mistake.

My friend mentions sending our troops into Iraq without body armor. The war started in March of 2003. It was March 2004, March of this year, before all of our troops were provided with body armor. I ask, how many troops were unnecessarily wounded and how many lost their lives simply because of the incompetence of those at the Pentagon who sent them into battle without this protection?

Right tonight, as the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Massachusetts (Mr. DELAHUNT), my friend the gentleman from Washington (Mr. INSLEE) and myself stand here in this Chamber, there are soldiers driving around in Baghdad and in other cities in Iraq who are using Humvees that are not armored Humvees, and many of them are being injured by driving over roadside bombs, and, because those Humvees are not armored, they are being seriously wounded and in some cases losing their lives. Somebody ought to be held accountable for that.

If we are going to send our troops into battle, the very least we can do as a government is to make sure that everything we can do to give them adequate equipment and proper protection is done. For us not to do that is shameful.

Mr. DELAHUNT. That goes back to the issue of competence, and that is where, in addition to the issue of credibility, this administration, this White House, has failed miserably.

Mr. ABERCROMBIE. Can the gentleman yield, so I can tell him what Mr. Wolfowitz would respond, or how he responded today to the questions the gentleman is raising, and particularly what Mr. INSLEE has cited in detail. I quote from page 8 of his written statement given to the Committee on Armed Services today.

''Although the reconstruction plans first envisioned in the summer of 2002 and submitted by the Coalition Provisional Authority to Congress last July have undergone substantial changes, it has been the coalition's ability to adapt to rapidly changing circumstances that has brought us now to the transfer of sovereignty and the beginning of representative government in Iraq.''

Mr. DELAHUNT. If the gentleman will yield, can the gentleman tell me and tell those that might be watching our conversation tonight, what has been the cost, not in terms of the lives of our children, but what has been the cost to the American taxpayers for this adventure?

Mr. ABERCROMBIE. The commitment is upwards of $150 billion. That does not include the taxes that are now being imposed, and I use that with quotation marks around it because that is how it is characterized, within the military itself.

The existing military budget is being taxed, money extracted from it for operational purposes. The capacity to expend construction funds of $18 billion-plus are committed, but are not necessarily expended just yet. The plain fact is we are talking between $150 billion and $200 billion.

Mr. DELAHUNT. Already to date it has cost the American taxpayers $200 billion to build roads in Iraq, to provide Iraqis with good health care, to clean up their environment and to stimulate their economy.

Mr. INSLEE. Reclaiming my time, there is an element of this expenditure that is grossly wrong, and that is the most polite sense I can say it. The General Accounting Office, the nonpartisan group that basically looks at the financial system of the country, concludes that the United States misspent, meaning this administration, misspent at least $1 billion in Iraq in the Iraq war to date, and that was as of June 16. They made reference to multiple cases of the Halliburton Corporation misspending millions of dollars of taxpayer money.

Let me give you one very small example of how Halliburton Corporation misspent taxpayer money. Halliburton, of course, is the company that got a sole source provider bid; a company that the vice president just recently has been CEO of, they did not send it out to bid to any other corporations, gave a special deal to Halliburton, and look what Halliburton did with your money.

Before the war, a Kuwaiti firm had the contract to provide meals to troops at four bases in Kuwait. Just before the fighting started, and this is from the General Accounting Office, not some leftist group saying this, just before the fighting started, the Pentagon turned the job over to Halliburton subsidiary KBR, Kellogg Brown and Root. As part of the switch, the costs went up from $3 a meal to $5 a meal, for the cost, from $3 to $5.

So, here is just one small example that happened thousands of times where the American taxpayers got gouged $1 billion, much of which went to the Halliburton company on a sole source contract.

If this does not smell like a mackerel in the moonlight, I do not know what does.

Mr. STRICKLAND. If the gentleman will yield further, can I say something? I know our time is coming to an end, but the gentleman from Massachusetts (Mr. DELAHUNT) talked about building roads and bridges and hospitals and schools in Iraq, neglecting our own domestic needs. If I can quickly share an example of how this administration seems to prefer Iraqis over Americans.

As we all have heard, Secretary Rumsfeld wants to compensate the Iraqi prisoners who were abused in the Abu Ghraib prison. I do not have any problem with that. But I do have a problem with this: Seventeen American POWs that were tortured in that same prison, they were tortured with electricity, they were threatened with castration, they were threatened with suicide, their bones were broken, they went to court and sued Saddam Hussein and the Iraqi regime and a court gave them compensation. This administration appealed that decision, fought the American POWs, and a newspaper in my region read like this. They said it was the United States of America and Saddam Hussein versus American POWs, and the United States and Saddam Hussein won.

What is good for the goose is good for the gander. If Secretary Rumsfeld wants to compensate the Iraqi prisoners, the American ex-POWs deserve equal compensation.

□ 2300

Mr. DELAHUNT. Mr. Speaker, we know, we know what the commander of the VFW, the Veterans of Foreign Wars, a highly-esteemed organization serving veterans in this country, had to say about this administration's submission of a veterans budget to the United States Congress. That commander called it a sham and a fraud. So this is not inconsistent.

If I could just leave my colleagues with one question. We have talked about we could not find the weapons of mass destruction. We cannot find the links, if you will, of the collaborative relationship between Saddam Hussein and al Qaeda.

Has anyone looked for the plans that were crafted by Saddam Hussein that indicated that he was prepared to attack the United States?

Mr. INSLEE. Well, yes. In fact, we have spent millions of dollars of taxpayers' money looking for that, but they apparently do not exist.

Now, let me suggest one thing that the President of the United States could have done to help his fellow Americans when we made a decision whether or not to go to war. He could have leveled with the American people. He could have told the American people that to the best of our knowledge there is no credible evidence that Saddam Hussein was responsible for the heinous, evil attack on America of September 11. He has talked to the American people probably six times a day for the last 2 years, and this President has never said that. This is wrong. We intend to maintain accountability for this administration.

Mr. Speaker, I want to thank my colleagues for joining me tonight for the Iraq Watch, which will continue on other nights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GERLACH). The Chair will remind all Members that remarks in debate should be addressed to the Chair and not to the viewing audience. Also,

Members should not use first names of other Members in debate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today on account of personal 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 Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

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

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

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

Ms. MAJETTE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

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

Mr. CHOCOLA, for 5 minutes, today and June 23 and 24.

Mr. SOUDER, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and June 23.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 23, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8705. A letter from the Acting Comptroller, Department of Defenese, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 00-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8706. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8707. A letter from the Secretary, Department of Health and Human Services, transmitting an inclosure, previously omitted, from the original report to Congress on the Native Hawaiian Revolving Loan Fund (NHRLF) for Fiscal Years 2000 and 2001, pursuant to Section 803A(g)(1) of the Native American Programs Act of 1974, as amended; to the Committee on Education and the Workforce.

8708. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting in accordance with Section 647(b) of the Consolidated Appropriations Act, FY 2004 Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8709. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Division F of the Consolidated 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 Activities; to the Committee on Government Reform.

8710. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 647(b) of Division F of the Consolidated 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.

8711. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Offical, Department of Labor, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Activities; to the Committee on Government Reform.

8713. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8714. A letter from the Director, Office of Management, Federal Housing Finance Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8715. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2003 Competitive Sourcing Activities; to the Committee on Government Reform.

8716. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8717. A letter from the Office of the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8718. A letter from the Commissioner, Social Security Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8719. A letter from the President, John F. Kennedy Center for the Preforming Arts, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Center's Report to Congress on FY 2003 and 2004 Competitive Sourcing Efforts; to the Committee on Government Reform.

8720. A letter from the Secretary, Department of Energy, transmitting proposed legislation to amend Section 161k of the Atomic Energy Act of 1954 to provide executive protection authorities for the Department of Energy (DOE) Federal protective force; jointly to the Committees on Energy and Commerce and the Judiciary.

8721. A letter from the Administrator, National Aeronautics and Space Administration, transmitting proposed legislation ''To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics, and exploration; space flight capabilities; and Inspector General, and for other purposes''; jointly to the Committees on Science, Government Reform, and Small Business.

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. COBLE: Committee on the Judiciary. H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; with an amendment (Rept. 108–560). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 686. Resolution providing for consideration of the bill (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, and for other purposes (Rept. 108–561). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RANGEL:

H.R. 4633. A bill to award a congressional gold medal to Ray Charles in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. SESSIONS (for himself, Mr. BAKER, Mrs. KELLY, Mr. CANTOR, and Ms. PRYCE of Ohio):

H.R. 4634. A bill to extend the terrorism insurance program of the Department of the Treasury; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4635. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, 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. GORDON (for himself, Mr. CALVERT, and Mr. BAIRD):

H.R. 4636. A bill to provide for research on and standards for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 4637. A bill to amend title 10, United States Code, to provide for the payment of Combat-Related Special Compensation under that title to members of the Armed Forces retired for disability with less than 20 years of active military service who were awarded the Purple Heart; to the Committee on Armed Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4638. A bill to amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Mr. STARK, Mr. MCDERMOTT, Mr. COOPER, Mr. CONYERS, and Ms. SLAUGHTER):

H.R. 4639. A bill to ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. SHAYS, Mr. CANNON, Mr. BISHOP of Utah, and Mr. PLATTS):

H.R. 4640. A bill to establish the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mrs. MALONEY, Ms. HART, Mr. WELDON of Pennsylvania, Mr. MCGOVERN, and Mr. GRIJALVA):

H.R. 4641. A bill to authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4642. A bill to provide for the extension of the New Jersey Coastal Heritage Trail into the Township of Woodbridge, New Jersey; to the Committee on Resources.

By Mr. FERGUSON:

H.R. 4643. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to fire departments for the acquisition of thermal imaging cameras; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. PRICE of North Carolina, and Mr. CARDOZA):

H.R. 4644. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Kentucky:

H.R. 4645. A bill to authorize the Secretary of the Army to provide Federal assistance for environmental infrastructure projects in northern and northeastern Kentucky; to the Committee on Transportation and Infrastructure.

By Mr. MCHUGH:

H.R. 4646. A bill to amend title 18, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 4647. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; to the Committee on Resources.

By Mr. NUSSLE:

H.R. 4648. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish a pay-as-you-go requirement for mandatory spending; to the Committee on the Budget.

By Mr. NUSSLE:

H.R. 4649. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits; to the Committee on the Budget.

By Mr. TIAHRT:

H.R. 4650. A bill to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project; to the Committee on Resources.

By Mr. DELAY (for himself, Mr. HOYER, Mr. HYDE, and Mr. LANTOS):

H. Con. Res. 460. Concurrent resolution regarding the security of Israel and the principles of peace in the Middle East; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. KANJORSKI, Mr. BACHUS, Mr. BAKER, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. CAPITO, Mr. CASTLE, Mr. COBLE, Mr. CRANE, Mr. ENGLISH, Mr. FEENEY, Mr. GERLACH, Mr. GILLMOR, Mr. GREEN of Wisconsin, Ms. HARRIS, Ms. HART, Mr. HENSARLING, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mr. OSE, Mr. PORTER, Mr. PUTNAM, Mr. REYNOLDS, Mr. SHAYS, Mr. SHUSTER, Mr. SIMMONS, Mr. SOUDER, Mr. TERRY, Mr. TIBERI, Mr. LEACH, Mr. TOOMEY, Mr. GORDON, Mr. CLAY, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. HINOJOSA, Mr. HOLDEN, Mr. JOHN, Mrs. MALONEY, Mr. MARSHALL, Mr. MILLER of North Carolina, Mr. POMEROY, Mr. SANDLIN, Mr. SCOTT of Virginia, Mr. PETRI, Mr. BARRETT of South Carolina, and Mr. GARRETT of New Jersey):

H. Con. Res. 461. Concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month; to the Committee on Government Reform.

By Mr. OBEY:

H. Res. 685. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on 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 Ms. MCCOLLUM:

H. Res. 687. A resolution recognizing United Nations International Day in Support of Victims of Torture and reaffirming the commitment of the United States to eliminate torture in all countries, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. POMBO, and Mr. CARDOZA):

H. Res. 688. A resolution commending the Government of Portugal and the Portuguese people for their long-standing friendship, stalwart leadership, and unwavering support of the United States in the effort to combat international terrorism; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

371. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 42 memorializing the Congress of the United States to amend the No Child Left Behind Act of 2001 to include waivers to help states meet the requirements of this law; to the Committee on Education and the Workforce.

372. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 191 memorializing the United States Congress to repeal the changes made by the Bush Administration to the Clean Air Act in 2002; to the Committee on Energy and Commerce.

373. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 718 recognizing the month of May 2004 as ''Amyotrophic Lateral Sclerosis Awareness Month'' in Pennsylvania and memorializing the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for ALS; to the Committee on Energy and Commerce.

374. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 153 H.D. 1 memorializing the United Nations to consider establishing in Hawaii a center for the advancement of global health, welfare, education, and peace by and for children, youth, and families; to the Committee on International Relations.

375. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resoultion No. 4 memorializing the Congress of the United States to propose for ratification an amendment to the Constitution of the United States to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes; to the Committee on the Judiciary.

376. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 202 memorializing Hawaii's congressional delegation to introduce federal legislation to provide additional resources to expand visa processing capacity in the Consular Section of the United States Embassy in Seoul in the Republic of Korea, and to include the Republic of Korea in the Visa Waiver Program; to the Committee on the Judiciary.

377. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the United States Congress to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

378. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to Senate Concurrent Resolution No. 98 of the 2003-2004 Session of the General Assembly acknowledging the key role of the Clean Water State Revolving Fund Program; to the Committee on Transportation and Infrastructure.

379. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1868 memorializing the United States Congress to enact and fully fund the proposed vision for space exploration to enable the United States to remain a leader in the exploration and development of space; to the Committee on Science.

380. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 258 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.

ADDITIONAL SPONSORS

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

H.R. 107: Mrs. CHRISTENSEN.
H.R. 623: Mr. MATSUI and Mr. MCCOTTER.
H.R. 716: Mr. CAPUANO.
H.R. 717: Mr. OLVER and Mr. MARKEY.
H.R. 962: Ms. CARSON of Indiana.
H.R. 1043: Mrs. WILSON of New Mexico, Mr. CROWLEY, Mr. JACKSON of Illinois, and Mr. MEEKS of New York.
H.R. 1422: Mr. GREENWOOD.
H.R. 1523: Mr. PICKERING.
H.R. 1653: Mr. HAYES.
H.R. 1709: Mr. CAPUANO.
H.R. 1716: Ms. CORRINE BROWN of Florida.
H.R. 1758: Mr. LEACH.
H.R. 1823: Mr. SAXTON.
H.R. 2023: Mr. MENENDEZ.
H.R. 2239: Mr. MARKEY and Mrs. MCCARTHY of New York.
H.R. 2283: Mr. HERGER, Mr. VITTER, and Mr. HOSTETTLER.
H.R. 2426: Ms. BERKLEY.
H.R. 2490: Mr. KIND.
H.R. 2510: Mr. MCKEON, Mr. ISSA, Mr. HERGER, Mr. GARY G. MILLER of California, and Mr. LEWIS of California.
H.R. 2541: Ms. WATSON and Ms. WOOLSEY.
H.R. 2705: Mr. VISCLOSKY.
H.R. 2743: Mr. JONES of North Carolina.
H.R. 2900: Mr. LEWIS of Georgia.
H.R. 2950: Mr. DOYLE.
H.R. 3193: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHADEGG, and Mr. GALLEGLY.
H.R. 3213: Mr. COX.
H.R. 3299: Mr. GRIJALVA.
H.R. 3307: Mr. GINGREY.
H.R. 3350: Mr. LAMPSON.
H.R. 3352: Mr. NEAL of Massachusetts.
H.R. 3444: Mr. LEWIS of Georgia.
H.R. 3476: Mr. HALL.
H.R. 3484: Mr. RENZI.
H.R. 3563: Mr. FOLEY.
H.R. 3575: Mr. THOMPSON of Mississippi.
H.R. 3602: Mr. PICKERING, Mr. BISHOP of Georgia, and Mr. CUMMINGS.
H.R. 3716: Mr. BARRETT of South Carolina.
H.R. 3755: Mr. TERRY.
H.R. 3779: Mr. MICHAUD.
H.R. 3831: Ms. VELAZQUEZ, Mr. GUTIERREZ, Mr. SHERMAN, Mrs. MALONEY, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mr. ENGEL, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. SERRANO, Mr. WEINER, Mr. ISRAEL, Mrs. LOWEY, Mr. KLECZKA, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. SCOTT of Virginia, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. WATT, Mr. NADLER, Mr. EMANUEL, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. DEUTSCH, Mr. DOYLE, Mr. CARDIN, Ms. BALDWIN, Mrs. TAUSCHER, Mr. DICKS, Mr. LEVIN, Mr. MILLER of North Carolina, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. FATTAH, Mr. HOEFFEL, Mr. KUCINICH, Mr. GRIJALVA, Mr. GEPHARDT, Mr. CLAY, Mrs. NAPOLITANO, Mr. STARK, Ms. LOFGREN, Mr. ACKERMAN, Mr. WU, Mr. PAYNE, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. ANDREWS, Mr. TIERNEY, Mr. BISHOP of New York, Ms. MCCARTHY of Missouri, and Mr. DAVIS of Florida.
H.R. 3849: Mrs. WILSON of New Mexico.
H.R. 3881: Mr. NETHERCUTT.
H.R. 3939: Mr. SESSIONS.
H.R. 3972: Mr. ETHERIDGE.
H.R. 3979: Mr. JEFFERSON.
H.R. 4039: Mr. WALDEN of Oregon, Mr. WEXLER, and Mr. PICKERING.
H.R. 4053: Mr. KENNEDY of Minnesota.
H.R. 4107: Mr. INSLEE, Mr. ROSS, Mr. PLATTS, Mrs. CAPPS, and Ms. MCCOLLUM.
H.R. 4117: Mr. JACKSON of Illinois.
H.R. 4182: Mr. UDALL of Colorado and Mr. FRANK of Massachusetts.
H.R. 4206: Mrs. DAVIS of California, Mr. ENGLISH, and Mr. MCHUGH.
H.R. 4230: Mr. FRANK of Massachusetts.
H.R. 4255: Ms. ROYBAL-ALLARD and Mr. MCDERMOTT.
H.R. 4305: Mr. PITTS.
H.R. 4306: Ms. LOFGREN and Ms. DUNN.
H.R. 4312: Ms. LEE.
H.R. 4325: Mr. OWENS.
H.R. 4342: Mr. GARRETT of New Jersey.
H.R. 4361: Mrs. CAPPS, Ms. DELAURO, Ms. BERKLEY, and Mr. JACKSON of Illinois.
H.R. 4391: Mr. LEWIS of Kentucky, Mr. SCHIFF, Mr. FROST, and Mr. ENGLISH.
H.R. 4392: Mr. BOUCHER.
H.R. 4415: Mr. MICA.
H.R. 4416: Mr. ENGLISH, Mr. LATOURETTE, and Mr. QUINN.
H.R. 4449: Mr. STARK.
H.R. 4459: Mr. BACA.
H.R. 4472: Mr. MCGOVERN, Mr. SIMMONS, and Mr. VITTER.
H.R. 4528: Mr. DUNCAN, Mr. SENSENBRENNER, Mr. CULBERSON, Mr. TANCREDO, and Mr. RAMSTAD.
H.R. 4530: Mr. GOODE.
H.R. 4533: Mr. GRIJALVA.
H.R. 4553: Mr. OWENS.
H.R. 4571: Mr. CANNON.
H.R. 4595: Mr. GREEN of Wisconsin, Mr. MCNULTY, Mr. VAN HOLLEN, Mr. RAMSTAD, and Mr. HOEFFEL.
H.R. 4608: Mr. SNYDER.
H.R. 4628: Ms. ROYBAL-ALLARD, Mr. KOEFFEL, Ms. MCCOLLUM, Mr. CARDIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. ROSS, Mr. NADLER, Mr. LANGEVIN, Mr. LEVIN, Mr. ENGEL, Mr. TIERNEY, Mr. KIND, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Ms. ESHOO.
H. Con. Res. 111: Mr. MEEKS of New York.
H. Con. Res. 319: Mr. SCHIFF, Mr. PITTS, and Mr. WELLER.
H. Con. Res. 356: Mr. UDALL of New Mexico.
H. Con. Res. 418: Ms. WATSON, Ms. LEE, Mr. BURTON of Indiana, Mr. KING of New York, Mr. HOUGHTON, Mrs. NAPOLITANO, Mr. CHANDLER, and Mr. SCHIFF.
H. Con. Res. 442: Mr. SABO, Mr. BLUMENAUER, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. REHBERG, and Mr. KIND.
H. Res. 617: Mr. WELLER.
H. Res. 667: Mr. KIRK, Mr. BROWN of Ohio, Mr. HERGER, Mr. STEARNS, Mr. HUNTER, Mr. WALSH, Mr. ISSA, and Mr. WICKER.
H. Res. 676: Mr. CHABOT, Mr. SMITH of Texas, and Mr. GREENWOOD.
H. Res. 684: Mr. PENCE, Mr. BURTON of Indiana, Mr. HOSTETTLER, Ms. CARSON of Indiana, Mr. VISCLOSKY, Mr. HILL, Mr. BUYER, and Mr. SOUDER.

PETITIONS, ETC.

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Bear River Band of Rohnerville Rancheria's Tribal Council, California, relative to Resolution No. 04-64 supporting the BIA/Tribal Budget Advisory Council recommending a new Executive Order requiring the OMB to consult on an annual basis with federally recognized tribes to develop a budget fulfilling the obligation of the United States to American Indians and Alaska Natives; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4613

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: Page 33, line 19, insert after the dollar amount the following: ''(reduced by $10,000,000)''.

Page 129, line 7, insert after the dollar amount the following: ''(increased by $10,000,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, JUNE 22, 2004 No. 87

Senate

The Senate met at 9:47 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Rabbi Moshe Feller, of Saint Paul, MN.

The guest chaplain offered the following prayer.

PRAYER

Almighty God, Master of the Universe, the Members of the U.S. Senate convene here today to fulfill one of the seven commandments which You first issued to Noah and his family after the great flood, the command to govern by just laws.

As related in the book of Genesis and its sacred commentaries, You issued at that time the following seven laws:

To worship You alone;

Never to blaspheme Your Holy Name;

Not to commit murder;

Not to commit adultery, incest, or any sexual misdeeds;

Not to steal, lie, or cheat;

Not to be cruel to any living creature; and

That every society govern by just laws based on the recognition and acknowledgment of You, O God, as the sovereign ruler of all men and all nations.

Grant, Almighty God, that the Members of the Senate constantly realize that in enacting just laws they are performing your will.

Almighty God, I beseech You today to bless the Senate and the entire Nation in the merit of one of the spiritual giants of our time and of our country, the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of righteous, blessed memory, who passed away 10 years ago today. The Rebbe labored with great love, dedication, and self-sacrifice to make all mankind aware of Your sacred presence.

May his memory be for a blessing, and his merit be for a shield for our Government and our country, which he always referred to as ''a country of kindness.''

Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2004.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning we will again return to the Defense authorization bill. Last night's agreement provides for an additional hour of debate in relation to Senator LEVIN's missile defense amendment. The order also provides for the vote on the Brownback indecency amendment immediately following the Levin vote. Senators can, therefore, expect two consecutive votes at approximately 11 a.m. this morning. We have also reached an agreement to have all first-degree amendments offered by 6:30 this evening. Given this agreement, I anticipate we will have votes throughout the day into the evening. If we are unable to complete the bill this evening, we would then return tomorrow for a series of votes on any remaining amendments and conclusion with final passage. Under this scenario, we should finish the bill either late tonight or tomorrow morning.

There is much more work to do before the Fourth of July recess. Although an earlier agreement allows us to go to class action, we will postpone consideration of that measure in order to begin the Defense appropriations bill in order to provide the vital support, vital monetary support, for our troops who are fighting at this moment in the war on terror overseas.

Once again, I remind my colleagues we will continue to schedule votes on the remaining judicial nominations this week, and I anticipate consideration of several of those today.

I also remind Senators to be in their seats at 2:15 today for the official photograph. This will take just a very few minutes if we have people on time. I ask Senators to be here promptly.

CANCER IN WOMEN

Mr. FRIST. Mr. President, I take a few minutes to speak on a totally unrelated issue on leader time and then we will move to the bill unless there is another comment to be made. It is a very important message. It is an issue most people do not understand and it has to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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do with an issue of health care and emergency health. It is regarding a fundamental question which most people cannot answer, cancer in women.

I ask people to be thinking what the appropriate answer is, What is the deadliest cancer in women today? What is the leading cause of cancer death among 55 percent of our population today? Most people think breast cancer, cervical cancer, ovarian cancer, or one of the gynecological cancers. It is not. The deadliest cancer is lung cancer.

It is preventable and it does not have to be that way. Therefore, the solution comes with education. I will take 3 or 4 minutes to comment.

The Journal of the American Medical Association this spring published the astonishing finding that lung cancer is the No. 1 cause of cancer deaths in American women. In fact, breast cancer, all the gynecological cancers, add those up and they still do not equal the number of women who die from lung cancer.

The female death rate from lung cancer has risen 600 percent over the last six decades. The last lung cancer operation I performed was about 10 years ago. Since then, the death rate has increased. It is a problem that is getting worse. The death rate continues to grow, even though the rate of smoking among women has begun to taper off since the 1960s. The whole point is that lung cancer can continue to strike even after someone stops smoking.

Lung cancer is the deadliest of all cancers. It tends to spread to the brain. It tends to spread to the bones. It is usually diagnosed very late. The 5-year survival, which is the end point that we in medicine use, is very low. If you take all women who were diagnosed with lung cancer from 1992 to 1999, only 12 percent—1 in 10—survived 5 years. In the Journal of the American Medical Association article, the survival rates, according to the researcher, to use his words, are ''dismal.''

It is interesting that the disease affects women differently than men. Probably estrogen plays a role in that. We see female smokers suffer a higher result of genetic damage from the smoke and the ingredients in smoke. Females are less able to repair genetic damage from the smoke. It is an epidemic. It is an epidemic in this country with these high death rates, but there are also great smoking increases across the world, so it becomes a pandemic when we look at Asia, or a continent I go to on a regular basis, Africa, where smoking is gaining in popularity. Thus, lung cancer and death will be increasing in decades to come.

The good thing is we can prevent it. Up to 80 percent of lung cancer is caused by one thing: smoking. It is as simple at that. A lot of people try to dance around it but it is as simple as that. It does not matter statistically whether you are smoking light cigarettes or regular, even heavy smokers versus social smokers. There is no such thing as a safe cigarette today.

You can quit and that is tough to do. I have counseled hundreds and hundreds of patients, being a heart surgeon, a lung surgeon, and lung cancer surgeon before. I have counseled hundreds of patients, probably thousands of patients. It is tough to quit smoking. Nevertheless, if you put your mind to it, you can quit, and if you quit you can reduce that risk.

The best thing we can do is have people never start. That means we have an obligation to take the very latest scientific data, what we know today, and educate the American people. I argue, also, we need to educate people in high school today because the easiest thing to do is stop people from smoking up front.

I urge my colleagues, educators, parents, and the media to convey that message loud and clear. We know where smoking leads. It leads to addiction, to cancer, contributes to heart disease, to stroke, blood vessel disease, and cardiovascular disease. We need to educate young women to the consequences of smoking before they have done irreparable damage to their lungs.

Although I know my colleagues will not read the Journal of the American Medical Association, the article itself is factual, very well researched. I believe at least I have an obligation to share this with my colleagues so they can share the current state of the art with their constituents and reverse a growing challenge to women's health.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

Mr. WARNER. Could we speak for a minute before the quorum call?

Mr. REID. Senator DASCHLE is going to give a speech.

Mr. WARNER. I was going to recommend that our colleague from Alaska, who has commitments early this morning, be able to initiate on this side comments in rebuttal to the distinguished Senator from Wisconsin and the Senator from Michigan can follow and then the Presiding Officer wishes to say something, and I will wrap.

Mr. REID. I am sure that is appropriate.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

Mr. DASCHLE. Mr. President, I will use my leader time.

CONGRESSIONAL OVERSIGHT

Mr. DASCHLE. Mr. President, no question more occupied the minds of our Founding Fathers than how to keep American democracy from devolving into despotism.

The delicate and elaborate structure of our Government is designed not merely to represent the will of the American people but to prevent the concentration and abuse of power. To eliminate the prospects that tyranny could take hold, the Framers not only created a separation of equal powers, but they gave each branch authority over its peers.

''Unless these departments be so far connected and blended as to give each a constitutional control over the others,'' James Madison wrote in The Federalist Papers, ''the degree of separation . . . essential to a free government, can never in practice be duly maintained.''

For our system to work, no part of Government can be free from scrutiny—not Congress, not the judiciary, and not the White House.

Unfortunately, Congress seems to have abdicated its role in our system of checks and balances. Partisan loyalty is taking precedence over our constitutional responsibilities, and oversight has ground to a halt. There are few clearer examples than Congress' failure to investigate the decision to withhold the cost estimates for its controversial Medicare proposal.

There have been serious allegations that the administration misled Congress about the projected cost of the Medicare legislation, denying access to a study that projected much higher costs than those administration officials, including the President, discussed publicly. These allegations included charges that the former Administrator of the Centers for Medicare & Medicaid Services violated Federal law by threatening to fire Medicare's Chief Actuary if he disclosed the cost information to Members of Congress. Yet the allegations are being ignored in both the House and the Senate. The White House, too, has stonewalled. There have been no hearings, no inquiries, nothing but silence.

These charges are too serious to ignore. There are four crucial questions relating to those facts that urgently need investigation.

First, who in the administration knew about the higher cost estimates? CMS Chief Actuary Richard Foster has said that the HHS cost estimates were shared with White House officials.

To assess whether there was a coordinated effort within HHS and the White House to mislead Congress, we need to know who in the administration knew about the higher cost estimates and when they knew it.

Second, who in the administration participated in the decision to withhold the cost estimates from Congress?

According to the Congressional Research Service, Federal employees have a statutory right to communicate with

Congress, as well as certain whistleblower and employment protections. Moreover, HHS is expressly prohibited from using funds to pay the salary of anyone who prevents or attempts to prevent an executive branch employee from providing information to Congress if that information relates to relevant official matters.

CRS has found that the CMS may have violated these laws when the Administrator threatened Mr. Foster. We need to know if others above the Administrator's level participated in or authorized this activity.

Third, were senior leaders in Congress part of the effort to withhold the cost estimates from the rest of Congress?

In a letter to Representative HENRY WAXMAN, the Department of Health and Human Services has asserted that ''[Health and Human Services] made conferees aware that HHS expected its final scoring to be higher than CBO's final scoring'' and cited Republican conferee NANCY JOHNSON as one of the Members who ''knew about these numbers.''

If the administration shared the cost estimates with selected Republican leaders, why did these leaders not share the estimates with all conferees and all Members?

Fourth, is the administration seeking to obstruct congressional investigations?

To date, the administration has refused to cooperate with legitimate efforts to investigate its actions. White House Counsel Alberto Gonzales has intervened to prevent officials from testifying before the House Ways and Means Committee about White House involvement. President Bush has failed to respond to a request for information from 12 U.S. Senators. These actions suggest there may be a concerted effort by the administration to block oversight of its actions.

There could be no clearer case demonstrating the need for congressional oversight.

To preserve our system of checks and balances and maintain citizens' trust that the power they have vested in their elected leaders is being exercised responsibly, we must take very seriously allegations that executive branch officials misled Congress in this case. Therefore, along with several of my colleagues, I have requested that the leadership in both the House and the Senate take the following two steps:

First, Congress should ask the administration to provide copies of any documents relevant to this investigation.

Second, Congress should hold hearings at which Mr. Scully; Doug Badger, Special Assistant to the President for Economic Policy; and James Capretta, Associate Director for Human Resource Programs at OMB, be called to testify. Mr. Scully's relevance is self-evident. Mr. Badger and Mr. Capretta received cost estimates from Mr. Foster and are likely to have information about the White House involvement in this matter. Their testimony would, therefore, be critical to establishing key facts about this affair.

These actions are essential if Congress is to fulfill its oversight responsibilities. They are simple and straightforward and will enable Congress to learn why the Medicare cost estimates were withheld and who is actually responsible.

In addition, we are writing President Bush to urge him to clarify what he knew about the Medicare cost estimates, the administration's attempts to suppress them, and the administration's communications with Congress about this issue. The credibility of the White House on all matters of policy is at stake.

These concerns are not limited to the Medicare debacle. As the cost of operations in Iraq have climbed past $200 billion, American taxpayers have been asking questions regarding whether every dollar spent has been necessary.

Of late, those questions have centered on Halliburton. Even before the invasion of Iraq, there were concerns about Halliburton's contracts. Very quickly, these concerns proved to be justified.

Last year, an investigation found that Halliburton charged American taxpayers $2.64 per gallon for gasoline shipped into Iraq, which was double the price other suppliers were charging. That gasoline was then sold to Iraqis for as little as 5 cents per gallon.

Recently, the reports of waste, fraud, and abuse have literally been piling up. This week, we learned Halliburton charged taxpayers $10,000 per day to house its employees in Kuwait's five-star Kempinski Hotel. The same employees could have stayed in air-conditioned tents like those used by American troops for $600 a day. The company purchased embroidered towels that cost three times that of standard towels. One employee discovered that Halliburton was charging for 37,200 cases of soda every month even though they were only providing 37,200 cans. In effect, Halliburton was charging the remarkable price of $45 for each 30-can case of soda for which supermarkets charge about $7. When the employee began making progress in reducing Halliburton's overcharges in this and other areas, she was taken off the accounts.

Most troubling, a former Halliburton truck convoy commander disclosed that Halliburton removed all the spare tires from its brand-new $85,000 trucks. When the tires went flat, the trucks were abandoned or torched. In addition, there seemed to be near total disregard of maintenance on trucks.

''There were absolutely no oil filters or fuel filters for months on end. I begged for filters, but never got any,'' the convoy commander said. ''I was told that oil changes were 'out of the question.' ''

The convoy commander also indicated that convoys of empty trucks often were sent out. He said Halliburton ''would run trucks empty quite often.

Sometimes they would have five empty trucks, sometimes they would have a dozen. One time we ran 28 trucks, and only one had anything on it.''

Well, whatever they are putting on the trucks, one thing is clear: The American taxpayer is being taken for a ride.

When other Halliburton employees reported similar examples of waste, fraud, and abuse, they were told, ''Don't worry about it. It's a cost plus contract.'' ''Cost plus,'' evidently, is jargon for war profiteering.

Despite these abuses, none of the Senate committees controlled by the Republican majority have investigated Halliburton's activities in Iraq or indicated that they intend to look into this matter.

Such scrutiny, we are told, could jeopardize the rebuilding efforts.

This attitude could not be more misguided. The danger in our rebuilding of Iraq is that the American people will lose faith in this effort because they feel it is too expensive or that they are being cheated.

There is one way to guarantee that the American taxpayer is not being cheated: that is, for Congress to step up to its constitutional obligations to oversee the actions of the executive branch of government.

Sunlight, it's been said, is the best disinfectant. But for too long, the administration has been able to keep Congress and the American people in the dark.

Medicare and Halliburton represent only the tip of the iceberg.

Still more major allegations of misconduct, such as the outing of the identity of a covert CIA agent for political gain, have been ignored.

And other serious matters, such as the manipulation of intelligence about Iraq, have received only fitful attention.

This is fundamentally wrong. Our constitutional oversight responsibilities should not be driven by political expediency.

Regardless of the party affiliation of the President, there are some matters that are too important to be ignored.

The American people are looking to us to provide leadership.

If no wrongdoing has been committed, let our investigations reaffirm people's faith in the government's credibility.

But if there has been wrongdoing, the American taxpayer has a right to see that those responsible are held accountable.

Ensuring accountability is one of the roles the Framers set out for us. In a way, it is our most solemn obligation, because in fulfilling our task, we preserve the democratic nature of our government.

Not only is a great deal of money at stake, the continuing faith of the

American people in their system of governance is at stake. Safeguarding that democratic system is our responsibility, and it is time we met it.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities 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.

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.

Burns Amendment No. 3457 (to Amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission.

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.

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.

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute.

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.

Warner (for MCCAIN) amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197), in the nature of a substitute.

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority.

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.

Levin Amendment No. 3338, to reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism.

AMENDMENT NO. 3338

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form in relation to the Levin missile defense amendment. Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. I yield 8 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor today to strongly oppose the Levin amendment. This amendment would realign critical funds for the ground-based midcourse interceptors. The consequences of that decision, in my judgment, would be devastating. By reallocating those funds, Congress would effectively cripple the deployment and testing of the interceptors in Alaska. Let me hasten to add, that decision to go to Alaska with these interceptors was not a political decision. It was made by the scientists. But I support that decision, and I believe Alaskans do also.

Ballistic missiles are a serious threat to the United States, and our interests, forces, and allies throughout the world are threatened by them. The missiles our enemies possess are growing in range, reliability, accuracy, and number. A missile carrying nuclear, biological, or chemical weapons could inflict damage that would make the tragedy our country experienced on September 11 pale by comparison.

We cannot afford to ignore this threat. We must confront it, if we want to address the challenges that characterize our Nation's new security environment. The new security challenges of the 21st century require us to think and act differently.

With that in mind, the decision was made to field the ground-based midcourse system in Alaska. Alaska's location gives us a strategic advantage. Interceptors launched from Alaska will be capable of protecting all 50 States. If Congress rejects Senator LEVIN's amendment and remains committed to the ground-based midcourse program, the United States will be able to meet any potential threat from a rogue nation or terrorist group.

The Fort Greely interceptors are the centerpiece of our integrated, layered, national missile defense system. The funding contained in the 2005 budget is a downpayment on additional interceptors that will enable us to conduct additional flight testing and maintain industrial base production lines for key components of the ground-based system. Senator LEVIN's amendment cuts this funding.

The amendment also disregards what years of experience have shown—that it is wise to move into a deployment phase before the testing phase of a program has been completed. I remind Congress of the gulf war, when we fielded a number of systems that were under development at that time, including JSTARS. I personally witnessed that test in the deployment phase, in the testing phase, and early deployment of JSTARS in the gulf war. The Patriot missile was also tested in this way.

Over many years we enhanced the Patriot batteries that first saw action by 1991, by implementing a follow-on enhancement program and replacing the original missile with a completely new interceptor.

Similarly, the B–52 bomber that first flew in 1952 is hardly the same aircraft that dropped the bombs over Afghanistan in the war against terror. The original B–52 gave us early intercontinental bombardment capability, and it was enhanced over time with hardware and software improvements that helped us meet evolving operational challenges. These examples are reminders that a requirement written into a system's development phase can quickly become irrelevant or yield a dead end. That is a lesson we must keep in the forefront of our minds as we confront today's dynamic security environment.

The time to move forward with the deployment of a ground-based midcourse operational capability is now. We must continue to improve the system. It must be allowed to evolve over time and take advantage of the breakthroughs in technology as they occur. Congress should follow the proven wisdom of experience and resist the urge to build to perfection a national security strategy that has never served us well.

That is exactly what this amendment would have us do—turn our backs on the proven wisdom of experience and wait until there is a tragedy to confront the national security threats we know are emerging now.

I urge the Senate to support the ground-based midcourse system and oppose Senator LEVIN's amendment.

Again, this system has been deployed in my State already in the test phase. We should continue that concept.

I yield back any time I have not used.

The PRESIDING OFFICER. The Senator from Colorado has 25 minutes 30 seconds remaining. The Senator from Michigan has 30 minutes remaining. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment which I am offering does not touch the first 20 interceptors. They are fully funded. They are going to be deployed before they are independently tested. The Senate decided that last week in a number of debates and in a vote on an amendment, the Boxer amendment. Whether it was the right decision or the wrong decision, time will tell, but nonetheless it is the decision and was the decision of this Senate that those 20 interceptors be deployed in those silos in Alaska prior to their being independently tested.

The question before us now is whether the added missiles—21 through 30, those interceptors that are paid for in this bill—are going to be provided or whether we will use that money, $515 million, for a much greater need, to address a much more immediate threat, and that is the threat of loose nukes, the threat of nuclear fissile material

falling into the hands of terrorists, and also whether we will use at least some of that money to put more into the security of our borders, the security of our ports.

I will start with a CIA assessment that was made not too many years ago. It was made after September 11. There was an unclassified assessment made by the CIA as to what our greatest threat was. They were comparing the missile threat to the nonmissile threat. ''Foreign Missile Developments and Ballistic Missile Threats Through 2015,'' was the title. They were looking at the missile threat. Here is the judgment:

The Intelligence Community judges that U.S. territories are more likely to be attacked with WMD using non-missile means, primarily because such means, 1, are less expensive than developing and producing ICBMs; 2, can be covertly developed and employed; 3, the source of the weapon could be masked in an attempt to evade retaliation; 4, probably would be more reliable than ICBMs that have not completed rigorous testing and validation programs; 5, probably would be much more accurate than emerging ICBMs over the next 15 years; 6, probably would be more effective for disseminating a biological warfare agent than a ballistic missile; 7, would avoid missile defenses. For all of those reasons, we have an assessment that nonmissile means of delivery are a more serious threat than a missile means of delivery.

Now, the amendment I offered does not touch those 20 missiles that were part of that test bed announced last year. Last year, the chairman of our committee, Senator WARNER, said this body is authorized in moving ahead on 20 test bed sites, 16 in Alaska and the balance in California. That was the decision that we made last year—a 20-silo test bed site in Alaska and in California.

Now, this year, the administration said they want additional interceptors. It is those additional interceptors on which we are focusing.

My amendment would take $515 million of the $1.7 billion proposed for fiscal year 2005 and say let's put that $515 million into far more needed, immediate purposes; in other words, to try to address this massive fissile material threat, the loose nuke threat, the dirty bomb threat, which everybody says is the most serious terrorist threat we face.

That is what this $515 million should be spent on; also, security of our borders, security of our ports. Most of the containers coming into this country are still uninspected.

We still do not have a means of determining what is an explosive material at a distance. We must, if we are going to stop terrorists from blowing up themselves and us, be able to identify explosive material at a distance. We don't have that technology. My amendment would add money for that technology.

We had the near destruction of the USS *Cole* because a tiny boat was able to get next to it. If we could identify that explosive material at a distance before the explosion of the car bomb or the suicide bomb or the little boat that almost blew up the USS *Cole*, we would be making ourselves far more secure. That is the kind of expenditure my amendment would provide. It leaves, I emphasize, $1.2 billion in funding for interceptors, which is more than we have provided in any prior fiscal year. In 2002, we provided $1.1 billion. In fiscal year 2003, we provided $763 million. In 2004, we provided $1.1 billion for interceptors.

If my amendment is adopted and we use this money to address the loose nuke issue and the other issues I have identified, we would still have $1.2 billion for interceptors. Now, would there be an effect on testing? No, for two reasons. No. 1, there is no effect of this amendment on the funding for interceptors which are dedicated to flight tests. The only interceptors affected by this amendment are the deployed interceptors, 21 through 30. Those interceptors are not planned for flight testing.

We were told last night, many of you folks say you want testing, but then you cut interceptors that are going to be used for testing. Let me emphasize that none of the interceptors that we cut are going to be used for flight testing; they are not going to be launched. They are going to sit in those silos. They will not be launched. We just received that word, again, from the missile defense folks.

We asked them: Is it still your plan not to launch those interceptors from the silos in Alaska?

Their answer is: That is correct. That is not our plan for testing. We are not going to launch those interceptors. The interceptors used for testing will be used somewhere else. They are not going to be part of this test bed. We are not cutting those three test interceptor missiles that are going to be used for testing.

When we are all done, if this amendment is adopted, there would still be more spent on missile defense than on any weapons system in the history of this country in any single year. So the idea that somehow or other this is a devastating blow to missile defense is simply not correct. It is 5 percent of the missile defense budget request for this year. It is less than one-third of the interceptors, and none of the test interceptors. These are the extra missiles that were not asked for last year when we were assured by Senator WARNER that the test bed was for 20 silos in Alaska, mainly, and 4 in California.

Now, we talk about the greatest threats that we face. It seems to me that it is almost a consensus that the greatest threats we face come from the loose nukes. As a matter of fact, this body just adopted a Domenici-Feinstein amendment, and that amendment said we ought to fund what is called the Global Threat Reduction Initiative, which has recently been announced by Secretary Abraham.

Secretary Abraham, with great fanfare, announced the $450 million Global Threat Reduction Initiative on May 26. That is just a month ago—not even a month ago. Speaking to the International Atomic Energy Agency, Secretary Abraham said that this new effort, the $450 million Global Threat Reduction Initiative, aimed at the loose nukes, aimed at this fissile material that is distributed around the world—any few kilograms or pounds of which fell into the hands of a terrorist could blow up a city—this new effort, according to Secretary Abraham will ''comprehensively and more thoroughly address the challenges posed by nuclear and radiological materials and related equipment that require attention anywhere in the world, by ensuring that they will not fall into the hands of those with evil intentions.''

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LEVIN. I yield myself an additional 5 minutes.

Mr. President, the purpose of the initiative was to secure, consolidate, destroy, or return to the United States and Russia nuclear materials from around the world, concentrating on the least secure and the most dangerous materials first. Secretary Abraham committed the United States to dedicate more than $450 million to this effort. Well, there is no money in the 2005 budget for the effort.

The words are there, the commitment is there, Lord knows the threat is there, but the money is not there. So in our bill, Senators DOMENICI, FEINSTEIN, and others—and I was a cosponsor—offered an amendment which authorized this new initiative about which Senator DOMENICI said the following:

Many of us have worked very hard to put together a program where we and other nations will go to work at ridding the world of proliferation of nuclear products from the nuclear age. We think it is an exciting approach. Eventually, we have to fund it and Presidents have to implement it. But the Senate would be saying today it is good policy to get the world concerned about getting rid of radioactive material from the nuclear age.

This amendment today does what Senators DOMENICI and FEINSTEIN said and this Senate said when we adopted their amendment, which is to fund the initiative. Not just to talk about it, not just to say words which are important, but to actually put dollars behind the words.

As Senator DOMENICI said in offering the amendment, which we adopted, which added this provision in this bill which authorized the Global Threat Reduction Initiative, this amendment:

[I]s aimed—

As his amendment was and is—

at expediting global cleanout of nuclear materials and equipment that could represent proliferation risks.

He went on to say:

Even though we are making progress, the focus on terrorism over the last few years has substantially amplified the level of our concern. In the process, we have learned more about the complicated routes through which important equipment technologies, such as enrichment capabilities, has moved to unfortunate destinations.

Our focus on Russia was appropriate a decade ago. But it is very clear today that proliferation must be viewed as a global problem. We must broaden our programs so that they have a global impact, not only focused on the former Soviet Union.

The increased threat of terrorism should encourage us to seek new ways to expedite the management, security, and disposition of materials that could be dangerous to our national security if they were to fall into the wrong hands. These materials include a range of fissile materials, with highly enriched uranium and plutonium being the ones of greatest concern.

My amendment today would ensure that this real and immediate threat to our security is funded, that the money is there.

The money is being transferred from these extra missiles, missiles which have not been tested. If we decide we are going to proceed to deploy 20 untested missiles, so be it, but 21 through 30, not discussed last year when the test bed of the of 20 was described, but added this year, those additional missiles do not come close to being as important to our security as trying to help get rid of fissile and nuclear material that can fall into the hands of terrorists.

Secretary Abraham said, and the words were good:

We will take these steps because we must. The circumstances of a dangerous world have thrust this responsibility on the shoulders of the civilized world. We don't have the luxury of sitting back and not taking action.

We do not have that luxury, Mr. President. We do not have the luxury of not addressing that new global initiative that Secretary Abraham and the administration said was so important. We have a responsibility to look at how we allocate resources and to weigh the greater risks with the available resources.

It seems so obvious to me that when we compare what is provided in an additional 10 missiles, not tested and not to be used as part of a test—we do not touch any test missiles. We do not touch the 20 missiles in the test bed in Alaska and California. When we compare the funding of $515 million for those additional 10 missiles, those extra 10 missiles not in the 20 silo test bed, with the critical need to obtain this fissile material and to secure it around the world before it falls into the hands of terrorists, it seems to me that the outcome should be very clear. We should put that $515 million into securing that material, to obtaining that material, to securing our ports, and to doing some of the other homeland defense needs that are provided for in my amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used the 5 additional minutes. He has 14 minutes.

Mr. LEVIN. I thank the Chair, and I reserve the remainder of that time.

The PRESIDING OFFICER. The Senator from Michigan reserves the remainder of his time. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 10 minutes.

I rise to strongly oppose the Levin amendment. Senator LEVIN proposes to cut $515 million from missile defense and shift funds to a variety of homeland security and counterterrorism provisions. I urge my colleagues to oppose this amendment on a number of grounds.

First, it makes a false distinction between missile defense and homeland security. Missile defense is quintessentially homeland security. That is right, missile defense is homeland security. It protects our homeland from long-range missiles and the most destructive weapons on the planet.

Second, it makes a false distinction between missile defense and counterterror. Throughout the cold war, we were concerned with the balance of terror. Rogue nations with missiles and weapons of mass destruction will use those missiles and weapons to threaten and terrorize the United States, our allies, and our friends.

Third, it would do serious harm to the Missile Defense Program. The $515 million cut in the Levin amendment is for the next 10 ground-based midcourse defense interceptors. Cutting these funds would break the production line for these missiles. It would cause the loss of key personnel, expertise, subcontractors, and suppliers, and then they would have to start all over again, with lead-in delays and extra costs to the program.

The Missile Defense Agency would have to reconstitute the production, requalify and recertify subcontractors and suppliers, and it would have to restart production. Losing these funds for a year could result in a long delay in fielding the next 10 interceptors—between 2 and 3 years after we would have fielded them, I am told—and result in restart costs of nearly $300 million.

Those who oppose missile defense obviously would like to delay. That is what we have been arguing over the last few days. They would like to add costs and then come back and say how this program is not proceeding the way it should. This is an essential program. We should not have delays. We should do everything we possibly can to cut down unnecessary costs because of time delays.

Fourth, it would do serious harm to the defense of the Nation against long-range missile threats. The Missile Defense Agency's assessment is that delaying the next 10 interceptors would leave us critically short of assets in the 2007 timeframe to defend against known and potential threats.

We cannot talk about all the information that is available that informs Senators and how that judgment comes about, but it is available to all Senators, and if they have any questions about that, I urge them to get that information and review it.

And fifth, this amendment is inconsistent with national policy established in legislation and signed into law by President Clinton. The National Missile Defense Act of 1999 established a national policy to deploy a national missile defense as soon as technologically feasible. It is feasible, and these additional interceptors are important to that effort. The Senate approved that act by a vote of 97 to 3, I remind Members of the Senate.

Furthermore, this amendment would move the funds to accounts that are already well funded. Again, I remind my colleagues in the Senate, this missile defense is homeland security.

I want to talk a little bit about these funds. For example, the President's budget includes $47.4 billion for homeland security activities, not including ballistic missile defense throughout the Government, an increase of $6.1 billion, or 15 percent, compared to last year, a $26.8 billion increase to fiscal year 2002.

Being on the Budget Committee, I had an opportunity to do a comparison. Homeland security is getting far more percentage increase than any other agency the President proposed in his budget. Now we are piling in on top of that.

Funding for the Department's activities to counter terrorism has more than doubled in 3 years to $10.2 billion. Of that amount, the President's budget request included $8 billion in DOD programs for homeland defense. The committee's mark added more than $300 million above the budget request.

All of the programs for which Senator LEVIN proposes to add funds in his amendment were funded either at or above the amount of the President's budget request. Many of the recommendations for increased funding in this measure are simply flawed.

For example, one of the first items recommends an increase of $50 million in Air Force research and development to be allocated to NORAD for low altitude threat detection and response technology. This item appears to be directed at cruise missile defense, but it is not clearly enough defined to know how the proposed funding increase would be used. A $50 million increase for ill-defined purposes would not be executable.

I note that the proposal was apparently justified on the basis that the NORTHCOM integrated priority list includes cruise missile defense. This proposed amendment also reduces one of the highest NORTHCOM priorities on its list—that is ballistic missile defense—by $515 million, again reminding the Members of the Senate that missile defense is homeland security.

Finally, I have a letter that was sent to the chairman of the Armed Services Committee from Admiral Ellis, commander of the Strategic Command at Omaha, NE, the head military integrator for missile defense, who expresses his opposition to any cuts to missile defense funding. I will read this letter for the benefit of my colleagues.

DEAR MR. CHAIRMAN:

I am writing to express concern about possible efforts to cut funding from the President's FY05 budget request for continued fielding of missile defense capabilities, including additional Ground-based Interceptors. As the operational lead for Global Missile Defense, USSSTRATCOM supports the continued appropriate development of missile defense capabilities that will be incrementally fielded and improved under the evolutionary approach of Concurrent Test and Operations. It is especially important to our early success that we have funding support for the production of ground-based interceptors at a rate and quantity sufficient to sustain the evolutionary developmental approach, testing milestones, and our initial defense operational capabilities.

A reduction of interceptor funding would: (1) limit the capability and capacity of the Ballistic Missile Defense System to defend the U.S. against long-range missile attack, and (2) limit the opportunity to gain operational test experience as it will reduce the number of interceptors available to replace deployed interceptors subsequently used in operational testing.

He goes on to say he further appreciates the chairman's support to both develop and provide the Nation with a rudimentary missile defense capability and indicated that this letter was also forwarded to the ranking member of the Senate Armed Services Committee. So the sponsor of this amendment has seen this letter, which is from an individual whom I have had before my committee and somebody whom I highly respect. So there we have it, somebody who is part of STRATCOM giving us a clear reason for why we need to have those additional missiles.

In response to what the sponsor of the amendment said about whether all the missiles are going to be used, that was addressed in a full committee hearing on March 9 in which Senator LEVIN himself, the sponsor of the amendment, asked General Kadish, after he commented about the fact that the missiles would work: How many of the Fort Greeley ones would be launched?

General Kadish answered—and this is not new evidence or new facts that have been brought before the Armed Services Committee or even before the full Senate. General Kadish said: Eventually, all of them.

That response was further pursued by my colleague on the Armed Services Committee, who asked: They would be moved somewhere else, is that it?

General Kadish said: No. Well, they may—this is part of the ongoing planning. That is why we all get frustrated from time to time when we change our plans.

The current plan is to use all of those out at Fort Greeley.

The PRESIDING OFFICER. The Senator has used 10 minutes of his time.

Mr. ALLARD. I yield myself an additional 3 minutes.

Mr. WARNER. Mr. President, reserving the right to object, and I shall not object, will the Chair advise both sides as to the time remaining?

The PRESIDING OFFICER. There is 14½ minutes remaining now on the side of the Senator from Virginia and 14 minutes remaining on the side of the Senator from Michigan.

Mr. WARNER. I thank the Presiding Officer.

Mr. ALLARD. I will respond to the concerns that were raised by the sponsor of the amendment about what he referred to as ''loose nukes,'' and from that same report which he quoted, I would point out that in the report it says the probability that a weapons of mass destruction armed missile will be used against U.S. forces or interests is higher today than during most of the cold war.

This is a real threat, and we should not be saying we have a higher priority on homeland defense or a higher priority on missiles. The fact is we are vulnerable in all areas. We need to address that, and we have been adequately addressing it with our funding for homeland security. Now we need to take care of missile defense and make sure we have adequately taken care of the threat with weapons of mass destruction through missiles that might be launched.

In response to a hearing we had earlier on the need for a missile defense test bed, I will share with my colleagues some testimony by Admiral Ellis, who is the commander of STRATCOM. I asked Admiral Ellis: Do you support the use of the missile defense test bed to provide limited operational capability, yes or no?

Admiral Ellis replies: Yes, sir. Yes, sir.

Then I asked him a further question: Does such a capability contribute to deterrence?

Admiral Ellis says: Absolutely.

Then I responded back: Does such a capability provide a useful strategic option?

Admiral Ellis says: Yes, it does.

Then I further questioned: Does such a capability raise the nuclear threshold?

Admiral Ellis says: It certainly does.

The fourth point I would like to talk about is the funding of the nonproliferation initiative. The biggest portion of Senator LEVIN's proposal adds $211 million for a new nonproliferation initiative in the Department of Energy, but DOE cannot spend the funding it has already for nonproliferation. Right now, DOE has $735 million in unobligated balances for nonproliferation programs, and Senator LEVIN's amendment would push that total up to nearly a billion dollars.

In summary, we are on the right track. The Armed Services Committee has received testimony both in my subcommittee as well as in the full committee and the testimony indicates we have a real need in missile defense and we are taking care of homeland security. I urge my colleagues to join me in opposing the Levin amendment.

The PRESIDING OFFICER. The Senator yields the floor.

Who yields time?

The Senator from Alabama seeks recognition.

Mr. WARNER. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, I thank the distinguished chairman of the Armed Services Committee, Senator WARNER, for his leadership. I support his position on this issue that is before us today, as well as that of Senator ALLARD who chairs the Strategic Forces Subcommittee of the Armed Services Committee where this matter is dealt with in depth. Both these Senators have worked on this issue for quite some time and have given it serious consideration. I believe they are correct. Indeed, I believe the Levin amendment runs counter to the policy of this Senate that has been established for some time. It is, I believe, now the fourth amendment of its kind, designed to erode the support and commitment we made to deploying a national missile defense system.

A number of years ago, in 1998 or so, this Senate in a bipartisan way adopted the Cochran-Lieberman amendment that declared it was the policy of the U.S. Congress that we should deploy a national missile defense system as soon as practical—not develop one, not research one, but to deploy it as soon as possible. That passed, I believe, with about 90-plus votes in the Senate and was signed by President Clinton. It represents the policy and commitment of the United States.

Over the years, we have moved toward that goal. We were told it could not be done. We were told a missile could not hit a missile in the air. We were told, yes, there may be a threat out there, but it probably is not very real, and even if it is you can't make the technology work. This is Star Wars. It goes back to some degree to the ridicule that was directed toward former President Reagan for his steadfast belief that this country needed to move from just trying to see how many missiles we can aim at our enemies, see how much threat we can focus on them, to the concept he believed was more peaceful, which would be to develop a system that would allow us to defend ourselves against attack. That is what we voted on, and we voted on it virtually unanimously. I think 90 percent plus of the Senators in this body voted for that amendment.

That is where we are today. Now we have here at the last minute, as this bill moves forward, one more attempt to drawdown money and to spend it on other things. Yes, there are a lot of needs in this country. You can go to education, you can go to health care, you can go to homeland security, you can go to a lot of things we believe we need desperately in America, but we are here to make choices. We made a commitment and a choice to field a national missile defense system.

I will point out that a lot of Americans probably do not know this system is working. The science is being proven

day after day. In fact, in September we will be placing in the ground in Alaska a national missile defense system that can help protect us from missile attack—not just from North Korea, but from an accidental launch. They could be effective in protecting this country, and as we go forward we will continue to improve this system.

As you test and develop this system, spiraling as we are doing now, then we may find we can develop a better radar system, we can develop a system that can be deployed on ships more effectively than what we have today. We may be able to develop a local land-based system. We may improve our computer system. We may be able to improve our guidance systems. We may be able to improve our ability to defeat even the most sophisticated attempts to confuse a national missile defense system. But it does not have to be perfect before we put it into place today. I say we are going to continue to do that.

I believe we are committed to going forward with this. It would be a terrible mistake to cut $515 million from a system that is on track now to be effective and to be deployed. This will shut down the assembly lines. This will shut down the production that is ongoing. It is going to cost us much more money in the long run. It is not going to be good for our productive system. It is the kind of on-again, off-again political management of the production and deployment of systems that is not healthy for our Defense Department.

I see my time has expired. I thank the chairman for his leadership. I also oppose the Levin amendment.

The PRESIDING OFFICER. The Senator from Alabama yields the floor.

The Senator from Virginia has 5 minutes 5 seconds remaining.

Mr. WARNER. I thank our distinguished colleague from Alabama. He has been in the forefront of this debate for all the years he has been a member of the Armed Services Committee.

At this time, I think it would be fair we allow the distinguished proponent of the amendment to speak for a bit. Then I will follow, and I presume he would like to do a few minutes' wrap-up; is that correct?

Mr. LEVIN. That will be great. I thank my colleague.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. LEVIN. I thank the Chair. I will yield myself 6 minutes.

Mr. President, the threat we are talking about addressing in my amendment is not one of our domestic priorities. As important as those priorities are, it is not transferring money from missile defense to education or health care. It is transferring money from the next 10 missiles, untested, numbers 21 through 30, which were not stated to be part of that 20-silo test bed which was presented to us last year, instead taking that money and using that money not for my project but for the administration's stated project of trying to address the ''loose nuke'' issue.

This is a program, this $450 million program, the administration announced a few weeks ago in Vienna. With great fanfare, Secretary Abraham said we have to address the loose nuke problem around the world. Agreements were signed to counter a nuclear threat; $450 million to prevent research materials going to terrorists as part of a global cleanup plan.

But there is no money in this program. So the Senate comes along a few days ago, and Senator DOMENICI and Senator FEINSTEIN, with the support, I believe, of most of us—surely mine—say we have to move in this direction. They authorize the program. But still no money. The words are there, but the money is not there.

We are talking about the money for a global program, not cleanup in Russia. That money has already been identified. This is for nuclear material around the world that we and the Russians have to identify and secure. That is what that $450 million is. There is not a penny in this budget to secure that nuclear material.

The Russia task force of the Secretary of Energy said that the most urgent unmet security threat to the United States is the danger that weapons of mass destruction or weapons-usable material could be sold to terrorists and used against us. That was the so-called Baker-Cutler task force. Then they said the funding that is provided in the Department of Energy budget falls short of what is required to adequately address the threat.

We had the Harvard task force come forward and say the facts are that the amount of inadequately secured bomb material in the world today is enough to make thousands of nuclear weapons, that terrorists are actively seeking to get it, and that with such material in hand a capable and well-organized terrorist group plausibly could make, deliver, and detonate at least a crude nuclear bomb capable of incinerating the heart of any major city in the world. Securing the vast stockpiles of nuclear materials and weapons around the world is an essential priority for nonproliferation, for counterterrorism, and for homeland security. That is the issue we have to face. Are we going to fund this kind of program, or are we just going to talk about it?

The hundreds of millions of dollars which were identified by Senator ALLARD have nothing to do with this effort to secure nuclear material around the world. The money he identified has to do with a program to try to secure plutonium between ourselves and Russia, a program which is currently stalemated. That is something which hopefully can be worked out between the Russians and the State Department. But the money we are talking about which was so widely proclaimed by Secretary Abraham as being forthcoming has not been forthcoming. There is no money in the budget for it.

It is the loose nuke material that exists around the world that threatens us more than any other single threat, and we don't have any money for it in here. The question is whether we are going to do it or whether we are going to add another 10 interceptors, numbers 21 through 30, add them to the test bed. That is the issue we face. Which is a higher priority for us? Again, I emphasize this amendment does not touch those 20 interceptors which are part of that test bed. We do not touch that. That debate was last week. That is not this amendment.

Last week, we decided we are going to deploy those interceptors. Even though they have not been independently tested, they will still be deployed. Maybe they will work, maybe they will not work, but they will be deployed. OK, that decision was made.

We are talking now about Nos. 21 through 30 and whether that $550 million is better spent the way it is proposed in this budget, or to address the loose nuke problem around the world, to address our border security, to try to inspect the containers by the tens of thousands that come into this country, to put additional funds into new technologies to address how we can identify explosive material at a distance so we do not face a blowup of a ship like the USS *Cole*, a car bomber, or a suicide bomber. That is the issue, whether we are serious about the effort to address the greatest terrorist threats we face or whether we want to put another $500 million into another 10 interceptors which have not yet been tested.

How much time remains?

The PRESIDING OFFICER. The Senator has used 6 minutes. The time remaining on the Senator's side is 7 minutes 45 seconds.

Mr. LEVIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to our colleagues, I think the Senator and I can agree on this point that there is no vote on this current 2005 authorization bill of greater significance than the vote we will take momentarily.

I frame this vote as follows: The whole of America watched within the past few days the September 11 Commission, its Chairman, face the cameras and say, in response to the astonishment of the American people about the tragic events of September 11, we didn't foresee it, we didn't plan for it, we didn't fund for it, we didn't train for it, and it happened.

I say respectfully to my colleagues, that is precisely what this vote is all about.

The Senator laid down the priorities of the Central Intelligence Agency. I have them before me. I should repeat this one. They say the possibility that a WMD armed missile will be used

against the U.S. forces or interests is higher today than during most of the cold-war period.

Senator LEVIN and I have been partners for 25 years on this committee. We went through the cold-war era together. That is an astonishingly high expectation. True, the CIA put somewhat greater emphasis on a number of the programs that will be funded should the Senator's amendment pass, but the Senator would acknowledge to me, I think, that the administration, in sending forth this budget, covered those 10 programs. Six of those programs receive more money than asked for in the budget, and the remaining four programs were funded at the budget level.

He points out a most recent program raised by the Secretary of Energy. I share his concern, but the Secretary of Energy said that can be financed through reprogramming, which is a procedure we follow regularly.

In summary, we are at the crossroads momentarily of whether the Missile Defense Program that this Nation has been working on for these many years, that has been acted upon by the Congress in successive sessions, will continue.

While the Senator said we are not dislodging what has been done by the past Congress, I ask, why we should even go forward with those expenses if we are going to stop the program and gap it, gap it for an indeterminate period? Should we be able to put it together again after several years, at a minimum, who can assure the technical workforce that put together the first missiles will be there? Who can say the contractor wants to pick up, once again, the burden of trying to restart a program, given the background of the stop/start by the Congress if this Levin amendment is adopted?

This amendment will spread uncertainty into this program. The world will begin to say: America is not serious about missile defense.

Much of the technology of these programs for missile defense could well be used in future years by other nations that will recognize their vulnerability to the missiles. When we say ''vulnerability,'' it is not necessarily limited to an aggressor firing, it could be an accidental firing. That has happened. I need only point out the tragic submarine experience. Both Russia and the United States have experienced errors with those magnificent platforms, causing death and destruction. Accidents happen even with the best of intent with military equipment.

We see China coming on, we see North Korea. I think there is no dispute as to their potential today.

We must look at ourselves and go back to that refrain of Lee Hamilton: We didn't plan, we didn't foresee, we didn't train, and it happened. A future generation of America can look on this Senate at this very moment and would have to see, henceforth, if this Nation ever experiences the type of attack to which the Central Intelligence Agency says we are vulnerable.

I urge Members to stay the course and not send a signal that America has stumbled backward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we should stay the course. We have to address the threats that we know are the major threats. We are not doing that. The loose nuke threat in this world is the No. 1 threat against us. That is what we all believe.

Yet a $450 million program to address those loose nukes is not funded in this budget. There is not a dollar for that program in this budget. We are told now that the Department of Energy will reprogram $450 million. I would like to see that request come in from the Department of Energy. But we do not have that request, either.

What we do have, what we do know, is that the major threat we face is the loose nuke threat. That is what the experts at the Department of Energy tell us. We surely have to address the less likely threats. I could not agree with that more. We should address threats that are not as likely.

But, my heavens, to put nothing in this budget when we have adopted the Domenici-Feinstein amendment which says we will have this global program—there is no money authorized behind it in this budget. We have adopted the Domenici amendment. Senator DOMENICI is exactly right. This is the greatest threat we face, loose nukes. Loose nukes globally are the greatest threat we face. What he said is someday we have to put the funds behind it. That someday is now. We have to compare that threat which we all believe is the most certain threat against the less likely threat identified by the CIA, which is a missile attack.

Now it has been suggested that maybe we should then totally disband the missile defense we have in Alaska. That is not what this amendment is about. I want to emphasize that because it has been mischaracterized. This does not end missile defense in Alaska. Quite the opposite, it continues the funding for those first 20 missiles.

My dear friend from Virginia said last year that test bed is 20 missiles in Alaska. He asked Senator BOXER a few days ago whether this body last year ''authorized moving ahead on 20 test bed sites, 16 in Alaska and the balance in [California].'' And Senator BOXER said: ''Yes.'' That is what we decided last year. It would be a 20-silo test bed site.

We do not disturb that in any way. We leave more money in this budget after the $500 million is put into ''loose nukes.'' We leave more money in there for interceptors than has been in any fiscal year budget. Mr. President, $1.2 billion is left in the budget this year after my $500 million subtraction. That is more than was there in 2004, 2003, 2002. Any of those years had less money for interceptors.

So the idea that somehow or other we are destroying a missile defense system—when we leave that test bed in Alaska the way it is, we leave the funding for it exactly the way it is, with 20 silos, the way it was stated to be last year, but what we are saying is: Do not add another 10. Do not add another 10 interceptors, not independently tested. We have been through that argument, but they are not tested missiles.

The money that goes into those 10 missiles can be used for a much greater threat, not just the ''loose nuke'' threat, but the threats that have been identified by NORAD and by the Northern Command. There are many unfunded needs we have listed from NORAD, including low-altitude threat detection and response technologies.

This is another one from the Navy which we fund. Let me read this because it goes right to the USS *Cole* issue. They have an unfunded program that would procure ''mobile and shore Explosive Ordnance Disposal detachments to fill gap in required capability to detect chemical, biological, and explosive hazards during Improvised Explosive Device/Weapons Mass Destruction and Force Protection responses.'' So the Navy says they have an unfunded program need of $21 million to try to identify explosives at a distance.

We all know—surely the chairman of our committee knows—what happened with the USS *Cole*. If we could have identified those little boats carrying explosives at a distance, we would not have had the damage and loss of life we had on the USS *Cole*.

So we have these real needs we would fund in my amendment. We have to compare that to the extra 10 interceptors, Nos. 21 through 30, that do not touch that 20-silo test bed in Alaska.

Mr. President, I ask unanimous consent that a number of documents be printed in the RECORD. One would be the NORAD statement relative to their shortfalls, some of which are funded in my amendment. Second would be two editorials, one from the Washington Post and one from the Los Angeles Times.

Mr. WARNER. Mr. President, I will not object, but I would state that the Department of Energy, addressing the ''loose nuke'' issue, says they expect to spend $87 million on it this year, and they can't spend any additional money on it. So I think that should be stated likewise.

Mr. LEVIN. If it is $87 million, despite the $450 million which the Secretary of Energy announced, that $87 million is not provided for in this authorization bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOW ALTITUDE AIR DEFENSE OF NORTH AMERICA

NORAD is leading the development and employment of capabilities for the air defense of North America. Given the proliferation of advanced technologies and improvised delivery platforms operated by terrorist groups and others, on 13 June 2002 the Joint Requirements Oversight Council directed NORAD to develop the ''Low Altitude Air Threat Defense of North America Capstone Requirements Document.''

This critical homeland defense effort addresses the increasing gap between the growing danger from low altitude, low observable threats and NORAD's current air defense capabilities.

Such threats include cruise missiles, unmanned aerial vehicles, crop dusters, radio controlled low observable aircraft and ultralights.

Limited capabilities exist for fusing surveillance information and the effective engagement and elimination of these increasingly advanced threats launched from air, land or sea.

Emerging technologies should be examined to enable NORAD to detect, identify, track, engage and assess these threats.

There are two aspects to this NORAD-led multi-year effort, which is supported by U.S. Northern Command and the Joint Theater Air Missile Defense Organization:

a. Develop and write a Capstone Requirements Document. The Capstone Requirements Document will provide the overarching set of ''plug and play rules''—called requirements—by which all systems, regardless of Service or interagency origin, are to be developed and/or employed in support of detecting, deterring and defending against low altitude air threats. That is, regardless of agency or Service of origin, the systems necessary for the full-spectrum air defense of North America must be interoperable in order to provide NORAD the actionable information it needs to defend against such low altitude air threats.

b. Complete development and evaluation of a suite of technologies. The following technologies have great potential for the successful detection of and defense against low altitude air threats:

Homeland Defense Battle Management Command and Control architecture—will ensure the requisite interoperability of systems to fuse sensor information and pass actionable information to NORAD command and control centers and defending forces;

Technologies for cruise missile detection and identification, including lightweight radar technologies;

Stratospheric airship;

Maritime surveillance;

Surveillance platforms and other sensors; and

Defensive weapons.

From: Nanette Nadeau.
Sent: Wednesday, May 5, 2004.
To: Evelyn Farkas, (Armed Services).
Subject: Anti-Terrorism/Force Protection.

HELLO EVELYN: Here is the information you requested on Anti-Terrorism/Force Protection (AT/FP). In our earlier conversation, you mentioned the FY05 $209.2M AT/FP shortfall for Army Forces Command. Please be aware that USNORTHCOM's other components have AT/FP shortfalls as well.

ANTI-TERRORISM/FORCE PROTECTION (AT/FP)

U.S. Northern Command (USNORTHCOM) and its Service Components; people, installations, forward/deployed facilities and equipment are at increased risk of attack based on recent and emerging asymmetric threats. The Command should have the capability to deter and/or mitigate the risks of terrorist acts against people and property whether in-place or deployed. This includes a physical security program to provide detection (alarms/guards), hardening of structures, replacement of current explosive material detection and personal protection gear (various detectors, night vision goggles, etc.). The AT/FP program would also include resources to conduct anti-terrorism exercises, perform training and promote AT/FP awareness. FY05 AT/FP funding lines for USNORTHCOM's Service Components follow.

[In millions of dollars]

	Baseline	Shortfall
Army Forces Command	$172.4	$209.2
Marine Forces Atlantic	0.0	26.4
Air Force/Air Combat Command	0.4	14.0
Navy Forces Atlantic	128.7	82.5

Our first action on Thursday morning will be to provide you UNCLASSIFIED information on the FY05 $13.3M shortfall for Consequence Management.

We appreciate all your support.

Thank you,

NANETTE A. NADEAU,
Chief, Legislative Liaison,
Commander's Action Group.

From: Nanette Nadeau.
Sent: Thursday, May 6, 2004.
To: Evelyn Farkas (Armed Services).
Subject: Consequence Management.

HI EVELYN: Here is the information you requested on consequence management.

CONSEQUENCE MANAGEMENT

USNORTHCOM, through its components, needs to be able to communicate with federal, state and local agencies to begin damage control and minimize the effects of actual or suspected chemical, biological, radiological, nuclear or high explosive incidents, civil disturbances and other events, when directed by the President or Secretary of Defense. Currently, the Army National Guard (ARNG) has only limited capability to establish communications to support civil authorities. This degrades alternate site operations, High Frequency radio transmissions and prevents secure communications required during domestic support operations.

The FY05 consequence management funding profile for ARNG command and control networks follows:

ARNG: Baseline—$2.4M; Shortfall—$13.3M.

Hope this helps!

NANETTE A. NADEAU,
Chief, Legislative Liaison,
Commander's Action Group.

DEPARTMENT OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, DC, March 1, 2004.

Hon. IKE SKELTON,
Ranking Member, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SKELTON: In response to your letter of February 9, 2004, I am providing a list of unfunded programs to which additional funding could be applied. While the Navy is grateful for and has benefited from the increased resources recently provided by the President and the Congress, there still remain additional shortfalls that are detailed herein.

The Department's FY 2005 Budget continues to focus on our new defense strategy and emergent challenges of the 21st Century. The resources contained in this budget go far in helping us to maintain heightened readiness in uncertain times, to provide further investment in transformational programs, and to take care of our sailors and their families. However, the Global War on Terrorism and current operations incident to Operation Iraq Freedom continue to stretch our resources in many areas. Additionally, the road to attaining our shipbuilding and aircraft procurement program goals remains exceptionally challenging.

For FY 2005, Naval unfunded programs total $2.5 billion. These unfunded items are listed under Enclosure (1).

As always, if I may be of any further assistance, please let me know. A copy of this letter is also being provided to Chairman Hunter and Warner, and Senator Levin.

Sincerely,

VERN CLARK,
Admiral, U.S. Navy.

Enclosure.

USN FY–05 UNFUNDED PROGRAM LIST (PRIORITY)

30	CH–46 ERIP Inventory Adjustment	APN	5.0	The CH–46 will be in service longer than initially projected due to V–22 program delays. The Engine Reliability Improvement Program is the engine reliability and performance solution to the H–46 #1 issue over the last 5 years. The program delivers an engine with twice the reliability of today's engine, is ahead of schedule and meets engine demand and operational readiness requirements from OIF. This funding provides (7) ERIP modifications.
31	LHD 8	SCN	106.0	Fully fund LHD 8 SCN shortfall as well as Ship Self-Defense System (SSDS), AT/FP, and Expeditionary Fighting Vehicle (EFV) support on ship. Funds IPVT shortfalls in TPX–42 and GCCS–M interfaces with SSDS Mk2; Implementation of USS COLE SRG recommendations; Collective protection system; Expeditionary Fighting Vehicle integration.
32	LHA(R)	SCN	250.0	Provides funding that will deliver a transitional platform fielding transformational capabilities.
33	5″/54 Upgrades on CGs	RDTEN	10.0	As part of the CG Modernization program, upgrades existing 5″54 gun to interface with upgraded fire control system and SPQ–9B radar. Allows use of Task Force Hip Pocket 5″ rounds against small boats. Supports Sea Strike and Sea Shield pillars.
34	ARCI/Advanced Process Build Integration	RDTEN	20.0	Additional funds needed to accelerate Acoustic Rapid COTS Insertion (ARCI) upgrades to 13 ships that will not get ARCI upgrades before deployment. Includes Adv. Processor Build (APB) 04 integration which includes High Frequency Tactical Control Sonar, AI&R–SPVA sensor and processing, real time reach back analysis and spectral trackers.
35	CHEM/BIO	MULTI	21.4	Procures systems for mobile and shore Explosive Ordnance Disposal (EOD) detachments to fill gap in required capability to detect chemical, biological, and explosive hazards during Improvised Explosive Device/Weapons Mass Destruction and Force Protection responses. Currently the EOD detachments are limited in this capability. Replaces 2800 CBD respirators that have exceeded service life plus 2-year extension. Allows USN/USMC aircrew to operate in CBRN threat environment until Joint Service Aircrew Mask is fielded in FY09.
36	ESSM on Large Decks	MULTI	34.2	Funds completion of Ship Self Defense System (SSDS) MK2 and procurement of one CEC system, one SPQ–9B system, and one complete Re-architectured NATO Seasparrow Missile System (RNSSMS) including a shipset and installation costs for two Mk29 (ORDALT) missile launchers.
37	AV–8B Engine Life Management Program	RDTEN	5.0	The AV–8B Engine Life Management Program (ELMP) improves the F402 engine's safety and reliability to increase the Mean Time Between engine Removal (MTBR) from 275 hours to 800 hours, and to ensure the AV–8B will remain a ready and relevant combat aircraft until transition to the JSF (STOVL). Accelerated Simulated Mission Endurance Testing III (ASMET III) ensures engine test experience remains ahead of Fleet experience. $2.0M will complete the remaining unfunded portion of the ASMET III test scheduled for FY2005. $3.0M is required to reinstate the previously cancelled Engine Monitoring System (EMS) plan in FY 2005.

[From the Washington Post, June 11, 2004]

TOO SLOW ON NUKES

The group of eight industrialized nations took a couple of steps at their summit meeting in Georgia this week to prevent the proliferation of nuclear weapons. Urged on by the Bush administration, the leaders of Europe, Japan, Canada and Russia agreed to a one-year moratorium on supplying equipment for producing fissile material to countries that do not already have it. Mr. Bush seeks a permanent ban, which will be discussed in the coming months. The G–8 also announced seven new participants in its program for funding the securing of nuclear materials in the former Soviet Union and agreed to press more non-nuclear countries to accept expanded inspections by the International Atomic Energy Agency. The various initiatives followed several recent steps by the Bush administration—including a new $450 million program to collect enriched uranium and plutonium from 40 countries around the world—that have added momentum to its efforts to prevent the spread of nukes to nations or terrorist groups.

This program nevertheless looks paltry in comparison with recent developments in the opposite direction. Both North Korea and Iran appear to be continuing with nuclear weapons development, overcoming ineffective containment efforts by the Bush administration and oft-divided groups of its allies. Next week the IAEA board will meet to consider a report that a formal Iranian commitment to freeze work on enriching uranium was never honored. It's not clear that all the nuclear equipment secretly produced and traded by the Pakistan-based network of Abdul Qadeer Khan has been tracked down: Some seems to have disappeared. Evidence has emerged, meanwhile, that North Korea already has exported nuclear technology, to Libya. Though Libya is dismantling its program, there is an obvious danger that North Korea will sell bombs or the technology for them to others. It's easy to fault the ineffective strategies for these threats pursued by the Bush administration or, in the case of Iran, by European governments. But it's also unclear whether any approach, from negotiation to military action, would succeed—though the effort at containment must go on.

What's odd in such circumstances is the relative sluggishness with which the world has attacked the part of the nuclear menace that is relatively easier to deal with, if equally frightening: that of ''loose nukes'' and the materials needed to make them. All the elements needed to manufacture a nuclear weapon are readily available in global markets, save the fissile core of highly enriched uranium or plutonium—and hundreds of tons of these materials are stored under insecure conditions in the nations of the Soviet Union and other countries. A decade-old U.S. program has safeguarded only 20 percent of the material in Russia and less than that elsewhere. According to a recent report by a team of Harvard University researchers, less fissile material was secured in the two years after Sept. 11, 2001, than in the two years before the attacks.

Though it is working harder at securing the loose nukes, the Bush administration is still giving this effort a fraction of the resources it is spending to deploy a missile defense system against a threat—a rogue state with an intercontinental missile—that does not currently exist. At the current rate of work, it will take 13 years to secure the remaining bomb-grade material in the former Soviet Union and more than a decade to collect it from other countries. Mr. Bush's challenger, Sen. John F. Kerry (D-Mass), has laid out a plan to complete the same job within four years. The president could help his own political cause as well as U.S. security by matching that commitment.

[From the Los Angeles Times, May 30, 2004]

A BIGGER PERIL: DIRTY BOMBS

During the Cold War, the United States, under the Atoms for Peace program, and the Soviet Union actively exported nuclear materials abroad to friendly countries. The justification was that they were helping to promote the peaceful use of nuclear energy. Now the U.S. and Russia are reviving efforts to retrieve uranium before it ends up in a terrorist dirty bomb detonated in a major city.

On Thursday, in a deal that followed a welter of new terror warnings from the Justice Department, Energy Secretary Spencer Abraham signed a $450-million agreement with Russia to retrieve nuclear materials.

Information about contributions to the global nuclear black market by top Pakistani scientist Abdul Qadeer Khan has prompted the administration to revive its lagging non-proliferation efforts. In a Feb. 11 speech, President Bush warned that ''terrorists and terror states are in a race for weapons of mass murder, a race they must lost.''

Yet, as a new Harvard University study obtained by the Washington Post reports, not enough is being done against such weapons. Less fissile material was put in safekeeping in the two years after Sept. 11 than in the two years preceding it. More than 40 countries could supply materials for an atomic weapon. The U.S. has spent billions since 1992 to secure nuclear materials, but bureaucratic wrangling has stalled many programs inside Russia. According to the General Accounting Office, even rudimentary safety measures to deter the theft of dangerous materials are lacking at many Russian nuclear labs. What's more, the Energy Department's own auditors warned in February that substantial caches of uranium produced here were ''out of U.S. control.''

Abraham's initiative states that the U.S. will retrieve radiological material it has sent abroad and earmarks $100 million to aid Russian efforts. According to Atomic Energy Minister Alexander Rumyantsev, Moscow will remove uranium from 20 Soviet and Russian-built reactors in 17 countries. Russia also promises not to complete Iran's Bushehr nuclear power plant without a guarantee that spent fuel will be sent to Moscow.

Though Abraham's move is a welcome one, the Bush administration continues to waste far larger sums on a missile defense system intended to defend the country against nuclear missile attacks from rogue states or terrorists. For 2005, the administration's funding request is more than $10 billion, about 22 times the cost of the Energy Department effort. Yet most experts agree that groups such as Al Qaeda are far more likely to produce dirty bombs than nuclear missiles. It makes more sense to invest in preventing nuclear materials from falling into the hands of terrorists than to pour billions into a system that has succeeded only in what amounts to rigged testing.

The Abraham initiative deserves credit as a cost-effective program against an immediate danger. Missile defense, on the other hand, is most effective as a profit center for the defense industry.

Mr. LEVIN. Mr. President, the Washington Post editorial says:

What's odd in these circumstances is the relative sluggishness with which the world has attacked the part of the nuclear menace that is relatively easier to deal with—

And they are comparing it to the North Korean transfer of technology; and that is the ''loose nukes'' and the materials that are needed to make them.

The Post editorial says:

. . . [T]his Bush administration is still giving this effort a fraction of the resources it is spending to deploy a missile defense system against a threat—a rogue state with an intercontinental missile—that does not currently exist. At the current rate of work, it will take 13 years to secure the remaining bomb-grade material in the former Soviet Union and more than a decade to collect it from other countries.

Mr. WARNER. Mr. President, I would make an offer to my distinguished colleague, if he wishes to advance an amendment on the issue of the ''loose nukes,'' to work with him to see whether, in this bill right now, we could take that one change, if you feel it is inadequately funded.

Mr. LEVIN. There is no funding. It is not just inadequate, we do not have funding for that $450 million amount.

The PRESIDING OFFICER. All time on the amendment is expired.

AMENDMENT NO. 3457, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that the Burns second-degree amendment be modified with the technical changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3457), as modified, is as follows:

At the end of the matter proposed to be inserted, add the following:

(c) ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)), is further amended by adding at the end the following:

''(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors with respect to the degree of culpability of the violator:

''(i) Whether the material uttered by the violator was live or recorded, scripted or unscripted.

''(ii) Whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material.

''(iii) If the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming.

''(iv) The size of the viewing or listening audience of the programming.

''(v) Whether the obscene incident or profane language was within live programming not produced by the station licensee or permitee.

''(vi) The size of the market.

''(vii) Whether the violation occurred during a children's television program (as such term is used in the Children's Television Programming Policy referenced in section 73.4050(c) of the Commission's regulations (47 C.F.R. 73.4050(c)) or during a television program rated TVY, TVY7, TVY7FV, or TVG under the TV Parental Guidelines as such ratings were approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996, Video Programming Ratings, Report and Order, CS Docket No. 97–55, 13 F.C.C. Rcd. 8232 (1998)), and, with

respect to a radio broadcast station licensee, permittee, or applicant, whether the target audience was primarily comprised of, or should reasonably have been expected to be primarily comprised of, children.''

''(G) The Commission may double the amount of any forfeiture penalty (not to exceed $550,000 for the first violation, $750,000 for the second violation, and $1,000,000 for the third or any subsequent violation not to exceed up to $3,000,000 for all violations in a 24-hour time period notwithstanding section 503(b)(2)(C)) if the Commission determines additional factors are present which are aggravating in nature, including—

''(i) whether the material uttered by the violator was recorded or scripted;

''(ii) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material;

'(iii) whether the violator failed to block live or unscripted programming;

''(iv) whether the size of the viewing or listening audience of the programming was substantially larger than usual, such as a national or international championship sporting event or awards program; and

''(v) whether the violation occured during a children's television program (as defined in subparagraph (F)(vii)).''.

AMENDMENT NO. 3338

Mr. WARNER. Mr. President, I am sure my colleague would want to ask for the yeas and nays on his amendment.

Mr. LEVIN. Mr. President, I thank my good friend.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, prior to the vote going forward, it is my understanding the majority has been consulted, and the distinguished Democratic leader, following these votes, wishes to offer his amendment dealing with veterans health benefits.

Mr. WARNER. Mr. President, I certainly want to accommodate the leadership. But I spoke earlier this morning outlining what I understood was going to be the sequence of events in the morning. We certainly want to accommodate the distinguished Democratic leader, but one of our Members, for very special reasons, has to be absent this afternoon. He is a member of the commission on WMD, and he wished to rebut Senator DAYTON's amendment, which would be a very short period of time this morning.

Mr. REID. How long does the Senator from Arizona wish to speak?

Mr. WARNER. I would say 15 minutes.

Mr. REID. The votes will probably be completed shortly after 11 o'clock. We at least hope that is the case.

Mr. WARNER. The two votes.

Mr. REID. Mr. President, I meant to say 12 o'clock, which does not leave much time for the Democratic leader.

Mr. WARNER. Could the Democratic leader then be recognized immediately after the luncheons?

Mr. REID. We would ask, then, that the Democratic leader be allowed to lay down his amendment, and that he would complete the debate at some subsequent time. And then if Senator MCCAIN——

Mr. WARNER. In other words, if I understand the request now, it is simply to come in and be recognized for the purpose of laying down the amendment so it is in the queue, and then we will proceed with the Dayton amendment and those matters we originally scheduled?

Mr. REID. That is right. I do not know about the Dayton matter originally scheduled.

Mr. WARNER. Apparently my leader would like to address this issue. We want to be cooperative and supportive of the procedural aspects of it. Could we proceed at least through the first vote and then, in that interim period, be able to provide an answer?

Mr. REID. That is fine. I will be happy to do that. But I see no prejudice to anyone if he is allowed to lay down his amendment.

Mr. WARNER. I share that, but any manager has to be cognizant of the needs of his respective leader. So we will proceed to the first vote, with an understanding there will be a modest period in between to hopefully resolve this issue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3338. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—44

Akaka	Dorgan	Lautenberg
Baucus	Durbin	Leahy
Biden	Edwards	Levin
Bingaman	Feingold	Lincoln
Boxer	Feinstein	Mikulski
Breaux	Graham (FL)	Murray
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kerry	Stabenow
Dayton	Kohl	Wyden
Dodd	Landrieu	

NAYS—56

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Kyl	Sununu
Collins	Lieberman	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

The amendment (No. 3338) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask that the vote that is about to be taken be deferred in recognition of a need by the distinguished Democratic whip.

AMENDMENT NO. 3409

Mr. REID. Mr. President, I ask unanimous consent that the pending order be set aside and if there is a pending amendment that it be set aside, and I be allowed to offer for Senator DASCHLE amendment No. 3409.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we return to regular order.

Mr. REID. Mr. President, does that amendment need to be reported?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 3409.

Mr. REID. 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 as follows:

(Purpose: To assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation)

At the end of subtitle G of title X, add the following:

SEC. 1068. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 320. Funding for veterans health care to address changes in population and inflation

''(a) For each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (b) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (c).

''(b)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (c), minus

''(B) the amount appropriated for those purposes for fiscal year 2004.

''(2) The amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (c) for fiscal year 2004:

''(A) The sum of—

''(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

''(ii) the number of persons eligible for health care under chapter 17 of this title who

are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

''(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

''(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (c), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

''(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(c)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (a) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (a) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Funding for veterans health care to address changes in population and inflation.''.

Mr. WARNER. Regular order.

AMENDMENTS NOS. 3235 AND 3457

The PRESIDING OFFICER. The Senate will resume consideration of amendment No. 3235.

Under the previous order, the Burns second-degree amendment No. 3457 is agreed to.

The amendment (No. 3457) was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to amendment No. 3235.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3464 TO AMENDMENT NO. 3235

Mr. BROWNBACK. Mr. President, I call up amendment No. 3464, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3464.

Mr. BROWNBACK. 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 as follows:

(Purpose: To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language)

Strike page 1 line 2 through page 3 line 3 and insert the following:

SEC.____. BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Broadcast Decency Enforcement Act of 2004''.

(b) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is—

''(i)(I) a broadcast station licensee or permittee; or

''(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

''(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.''; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(c) EFFECTIVE DATE.—This section shall take effect 2 days after the date of enactment of this section.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on this amendment. This is the decency amendment that has been widely discussed.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3464. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—99

Akaka	Campbell	Dayton
Alexander	Cantwell	DeWine
Allard	Carper	Dodd
Allen	Chafee	Dole
Baucus	Chambliss	Domenici
Bayh	Clinton	Dorgan
Bennett	Cochran	Durbin
Biden	Coleman	Edwards
Bingaman	Collins	Ensign
Bond	Conrad	Enzi
Boxer	Cornyn	Feingold
Brownback	Corzine	Feinstein
Bunning	Craig	Fitzgerald
Burns	Crapo	Frist
Byrd	Daschle	Graham (FL)
Graham (SC)	Leahy	Roberts
Grassley	Levin	Rockefeller
Gregg	Lieberman	Santorum
Hagel	Lincoln	Sarbanes
Harkin	Lott	Schumer
Hatch	Lugar	Sessions
Hollings	McCain	Shelby
Hutchison	McConnell	Smith
Inhofe	Mikulski	Snowe
Inouye	Miller	Specter
Jeffords	Murkowski	Stabenow
Johnson	Murray	Stevens
Kennedy	Nelson (FL)	Sununu
Kerry	Nelson (NE)	Talent
Kohl	Nickles	Thomas
Kyl	Pryor	Voinovich
Landrieu	Reed	Warner
Lautenberg	Reid	Wyden

NAYS—1

Breaux

The amendment (No. 3464) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3465 TO AMENDMENT NO. 3235

The PRESIDING OFFICER. Under the previous order, Senator DORGAN is recognized to offer an amendment.

Mr. REID. I send the amendment to the desk on his behalf.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DORGAN, proposes an amendment numbered 3465 to amendment No. 3235.

The amendment is as follows:

In the amendment, strike all beginning on page 1, line 2, through page 3, line three, and insert the following:

SEC. . BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Broadcast Decency Enforcement Act of 2004''.

(b) PURPOSE.—The purpose of this section is to increase the FCC's authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming.

(c) FINDINGS.—The Congress makes the following findings:

(1) Since 1996 there has been significant consolidation in the media industry, including:

(A) RADIO.—Clear Channel Communications went from owning 43 radio stations prior to 1996 to over 1,200 as of January 2003; Cumulus Broadcasting, Inc. was established in 1997 and owned 266 stations as of December 2003, making it the second-largest radio ownership company in the country; and Infinity Broadcasting Corporation went from owning 43 radio stations prior to 1996 to over 185 stations as of June 2004;

(B) TELEVISION.—Viacom/CBS's national ownership of television stations increased from 31.53 percent of U.S. television households prior to 1996 to 38.9 percent in 2004; GE/NBC's national ownership of television stations increased from 24.65 percent prior to 1996 to 33.56 percent in 2004; NewsCorp/FOX's national ownership of television stations increased from 22.05 percent prior to 1996 to 37.7 percent in 2004;

(C) MEDIA MERGERS.—In 2000, Viacom merged with CBS and UPN; in 2002, GE/NBC merged with Telemundo Communications, Inc., and in 2004 with Vivendi Universal Entertainment; in 2003 News Corp./Fox acquired

a controlling interest in DirecTV; in 2000, Time Warner, Inc., merged with America Online.

(2) Over the same period that there has been significant consolidation in the media industry the number of indecency complaints also has increased dramatically. The largest owners of television and radio broadcast holdings have received the greatest number of indecency complaints and the largest fines, including

(A) Over 80 percent of the fines proposed by the Federal Communications Commission for indecent broadcasts were against stations owned by two of the top three radio companies. The top radio company alone accounts for over two-thirds of the fines proposed by the FCC;

(B) Two of the largest fines proposed by the FCC were against two of the top three radio companies;

(C) In 2004, the FCC received over 500,000 indecency complaints in response to the Superbowl Halftime show aired on CBS and produced by MTV, both of which are owned by Viacom. This is the largest number of complaints ever received by the FCC for a single broadcast;

(D) The number of indecency complaints increased from 111 in 2000 to 240,350 in 2003;

(3) Media conglomerates do not consider or reflect local community standards.

(A) The FCC has no record of a television station owned by one of the big four networks (Viacom/CBS, Disney/ABC, News Corp./Fox or GE/NBC) pre-empting national programming for failing to meet community standards;

(B) FCC records show that non-network owned stations have often rejected national network programming found to be indecent and offensive to local community standards;

(C) A letter from an owned and operated station manager to a viewer stated that programming decisions are made by network headquarters and not the local owned and operated television station management;

(D) The Parents Television Council has found that the ''losers'' of network ownership ''are the local communities whose standards of decency are being ignored;''

(4) The Senate Commerce Committee has found that the current fines do not deter indecent broadcast because they are merely the cost of doing business for large media companies. Therefore, in order to prevent the continued rise of indecency violations, the FCC's authority for indecency fines should be increased and further media consolidation should be prevented.

(d) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is—

''(i)(I) a broadcast station licensee or permittee; or

''(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

''(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.''; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(e) NEW BROADCAST MEDIA OWNERSHIP RULES SUSPENDED.—

(1) SUSPENSION.—Subject to the provisions of paragraphs (d)(2), the broadcast media ownership rules adopted by the Federal Communications Commission on June 2, 2003, pursuant to its proceeding on broadcast media ownership rules, Report and Order FCC03–127, published at 68 FR 46286, August 5, 2003, shall be invalid and without legal effect.

(2) CLARIFICATION.—The provisions of paragraph (1) shall not supersede the amendments made by section 629 of the Miscellaneous Appropriations and Offsets Act, 2004 (Public Law 108–199).

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 3465) was agreed to.

AMENDMENT NO. 3466 TO AMENDMENT NO. 3235

(Purpose: To protect children from violent programming)

The PRESIDING OFFICER. Under the previous order, Senator HOLLINGS is recognized to offer an amendment.

Mr. REID. I send an amendment to the desk on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3466 to amendment No. 3235.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 3466) was agreed to.

AMENDMENT NO. 3235

The PRESIDING OFFICER. Under the previous order, the Brownback amendment, as amended, is agreed to.

The amendment (No. 3235) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. The Burns amendment, likewise.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3457

Mr. BURNS. Mr. President, I am pleased that amendment No. 3457 was accepted by unanimous consent in the Senate today. While I fully support the underlying Brownback legislation, I have offered a second-degree amendment to protect the interests of small broadcasters who should not be punished for events outside of their control. The amendment agreed upon simply calls on the FCC to consider the size of the stations in question as well as whether they had anything to do with producing the offensive content in question.

I applaud the efforts of my colleague from Kansas, Mr. BROWNBACK, for his leadership on the issue of broadcast decency, and I am fully supportive of his legislation. This legislation gives the Federal Communications Commission the tools they need to go after those responsible for exposing our children to indecent material.

With the recent trend of indecent events in the media, it is time to raise the current fine levels in order to prompt stations to more carefully screen their programming. These higher fines are appropriate for most stations. However, if the fines are too high for a local Montana broadcaster, it could well force them to close up shop.

In Montana, we have numerous stations that are so marginally profitable that the only reason they remain on the air is because the good citizens of their communities refuse to let them go dark.

For example, in Scobey, MT, townspeople regularly buy ''stock'' in KCGM because the community is so small that, in the words of manager Dixie Halvorsen, ''there is no reason for anyone to buy advertising in this station. We have but one local market, one drug store, and one feed store. They buy time with us because they want their local news and their local high school sports and the local legion baseball and the local weather . . . ''

Plentywood is much the same. KATQ has a local advisory board that oversees the operation of the station. It is made up of members of the business and non-profit community to ensure that their local stations remain on the air.

Nearly two-thirds of the radio stations in Montana are small market ''mom and pops.'' In Libby, MT, Duane and Peggy Williams operate KLCB-AM and KTNY-FM with the help of several part-time stringers and some high school students. Libby has a depressed economy and is a Superfund site. When the EPA held meetings and hearings with all of us in the Congressional delegation, along with the Governor and other State and Federal officials, Duane and Peggy interrupted their entire programming for the day to cover the issue.

It is not at all inconceivable that during these hours of live broadcasts, an upset citizen might utter a word or phrase that could be considered indecent under this provision of the law. An excessive fine would mean the end of Duane and Peggy's stations and dreams and the end of local radio in Libby.

And there are hundreds, perhaps thousands, of people like Duane and Peggy who do not deserve such treatment for simply trying to do what is best by their communities.

Examples such as this are why I introduced the amendment that was agreed to today. This amendment outlines mitigating factors that the Commission shall consider when determining the degree of a fine that will help shield smaller stations from an unnecessarily strong financial blow.

I thank Mr. BROWNBACK for taking the lead on this important piece of legislation, and I am pleased that my colleagues have recognized the importance of the small-market station amendment.

Mr. TALENT. Mr. President, today I rise to make a few remarks about my vote today for Senator BROWNBACK's amendment regarding broadcast indecency. I supported this amendment as modified by the Burns second-degree amendment because it includes protections for small market stations. Combined, the Burns and Brownback amendments would curb the broadcast of indecent material without unjustly penalizing local broadcasters who unknowingly transmit it.

I have spoken with Missouri broadcasters who worry that the stand-alone Brownback legislation would subject them to large fines for merely transmitting a program containing indecent material, like that contained in the Superbowl halftime show, without their knowledge of the indecency. Combined, the Burns-Brownback amendments would not place broadcasters in this situation since it requires the Federal Communications Commission to consider several factors including knowledge in determining whether to levy a fine, and how much that fine should be.

Under current law, local broadcasters are essentially liable for everything that comes across their airwaves, even a Janet Jackson-type incident that they are downstream from and have had no opportunity to review. This quasi-strick liability standard is simply not fair, and that is one reason why I believe the law should be changed.

The Burns amendment in particular corrects this unfairness by requiring the FCC to consider factors in assessing fines including whether the material was scripted or recorded and whether the violator had a reasonable opportunity to review the script or recording, thereby demonstrating that the violator had knowledge that the indecent, obscene or profane material would be aired or, otherwise, had a reasonable basis to believe that live or unscripted programming would contain indecent material. In determining culpability, the FCC would be required to consider mitigating factors including whether the licensee had a reasonable opportunity to review the programming or had reason to believe it may contain obscene, indecent, or profane material. I believe these provisions address local broadcasters' concerns and protect them from arbitrary FCC enforcement.

I support the Burns-Brownback amendments because of these provisions, but I am still concerned about the phenomenon of congressional overreaction to current events. Like many other parents, I feel that this year's Superbowl halftime show contained indecent material and that those responsible should be held accountable. After the Superbowl, hundreds of Missourians contacted my to share similar views. There seems to be a tendency among elected officials to respond to such a strong outpouring of support by not only trying to fix the problem, but by trying to fix it in a way that swings the legislative pendulum too far in other directions, to over-regulate. I do not believe that these amendments as combined go too far, but if they do I want to hear from Missouri broadcasters and work with them to address their concerns.

I thank Senators BURNS and BROWNBACK for their hard work on this legislation, and for addressing my concerns.

Mr. WARNER. We are moving along quite well. All are in agreement with great cooperation on both sides. We are about to proceed to the amendment, the ''Buy America'' from our colleague on the committee. The Senator from Arizona on this side is ready.

Mr. REID. Will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. Senator DAYTON indicated he wishes to speak for a short period of time. The Senator from Arizona does not usually speak very long. Does the Senator have any idea how long he will talk?

Mr. MCCAIN. No longer than 10 or 15 minutes.

Mr. REID. We can complete all debate on this amendment. Senator DAYTON said he would not speak for more than 5 or 10 minutes following the Senator from Arizona, and that would complete debate on the amendment.

Mr. WARNER. Except the Senator from Virginia would like about 3 minutes to wrap up at the conclusion.

Mr. REID. Totally appropriate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent I be allowed 15 minutes for my substitute, the Senator from Minnesota be given 10 minutes in response, and the Senator from Virginia, 3 minutes, followed by a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3461

Mr. MCCAIN. Yesterday, Senator WARNER called up a substitute amendment. I ask unanimous consent the substitute amendment be called up for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. MCCAIN. My reasons for offering this substitute amendment are simple. It will be very harmful if we allow the Dayton amendment to be adopted in its original form. It is harmful to the Department of Defense, our soldiers in uniform, our domestic defense industry, and, not least, the American taxpayer.

The amendment I am offering in the form of a substitute would grant waiver authority for the application of a domestic source or content requirement with a country that has signed a declaration of principles with the United States. This substitute amendment aims to assure that the Department of Defense, charged with protecting our national security, is not limited in its ability to carry out the functions the American public is depending on it to do.

The Dayton amendment would give preferential treatment to U.S. suppliers and does not accomplish the more important objective, which is to provide our troops with the best product for the best price. It may not sound like much on first consideration, but it would have far-reaching consequences on national security efforts and violate many of our trade agreements with respect to defense procurement.

Despite the good intentions of the proponents of the ''Buy America'' amendment, if it passed in its current form, it could have consequences to our Nation, impacting jobs and our economic prosperity. Further, it would harm our relationships with our allies and coalition partners and our collective prosecution of the war on terror.

As for the international considerations of the Dayton amendment, it is isolationist and go-it-alone. Currently, the United States enjoys a trade balance in defense exports of 6 to 1 in favor with respect to Europe, and 12 to 1 with respect to the rest of the world. I don't think there is any doubt if we restricted what we would buy from other nations, they would then, in return, respond. If we pass the Dayton amendment without modifications, our allies will retaliate, and the ability to sell U.S. equipment as a means to greater interoperability with NATO and non-NATO allies would be seriously undercut. Critical international programs such as the Joint Strike Fighter Program and the Missile Defense Program would likely be terminated as our allies reassess our defense cooperation.

There are many examples of a trade imbalance that I can point to. I mention one government: The Dutch Government, over a 4-year period, purchased $2.5 billion in defense equipment from U.S. manufacturers, including air refueling planes, Chinook helicopters, Apache helicopters, F–16 fighter equipment, missiles, combat radios, and various equipment. During that same period, the United States purchased only $40 million of defense equipment from the Dutch. So there is a $2.5 billion procurement by the Dutch Government for American equipment and $40 million of equipment of the United States bought by the Dutch. Recently, the Defense Ministers of the United Kingdom and Sweden pointed to similar situations in their country.

In every meeting regarding this subject I am told how difficult it is to buy American defense products because of our protectionist policies and the strong ''Buy European'' sentiment overseas. The Ambassadors of the United Kingdom, Netherlands, and Denmark, allies that provided forces in

Iraq, recently sent letters to the Armed Services Committee expressing their strong support for the underlying title 8 in the Defense Authorization Act.

The letters support the Commission on the Future of the National Technology and Industrial Base, the conforming standard for waiver of domestic source or content requirements, and consistency with U.S. trade obligations under trade agreements.

Over the last few years we have sold 18 variants of aircraft, 19 types of missiles, as well as ground and naval equipment, through the Foreign Military Sales Program. These defense systems were manufactured in 39 States across America. Companies such as Raytheon, Lockheed Martin, Bell, Northrop Grumman, Missile Research Corporation, Sikorsky, Pratt & Whitney, General Dynamics, American General, and American Truck Corporation are contributing to the trade surplus we have in the defense technology market.

I want to point out also that in fiscal years 2003 and 2004 there was $482 million worth of military equipment purchased in the State of Minnesota; $482 million, Lockheed Martin; and Raytheon, 20 Stinger missiles. Lockheed Martin, by the way, sold those weapons systems to Japan, and Raytheon, the Stinger, to Turkey.

I will read from a couple letters we have received from various countries and the U.S. Chamber of Commerce and others on this issue.

There is no one under more assault than the British Prime Minister for his continued unwavering support of our effort in Iraq. The British Ambassador wrote:

> If approved, the measures proposed under Title VII would be an important step forward towards improving interoperability across the full range of our mutual defence cooperation.

The Netherlands Ambassador says:

> 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. . . .

As you know, Mr. President, we have Canadian troops fighting alongside Americans in Afghanistan.

> The amendment offered by Senator DAYTON sends the wrong message to U.S. allies by deleting language in the Committee's bill that would encourage and support international defense cooperation and ultimately benefit U.S. taxpayers and American troops.

Every nation that is working with us and fighting alongside the United States is deeply concerned about this issue. It is hard for me to understand why we would want to propose legislation which would put this impediment to our relationship with our allies right now, when we are desperately seeking more cooperation and more effort on behalf of freedom.

The Danish Ambassador says:

> . . . 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 continued presence of 500 Danish troops—one of the largest contingents in both absolute numbers and certainly in proportion of population.

We are in tough times right now. The last thing we need to do is throw sand in the face of our allies, particularly our European allies who are fighting alongside us in Iraq and Afghanistan, Bosnia, Kosovo, and other parts of the world. I would hope that the substitute would be agreed to, and I would point out again the U.S. Chamber of Commerce, as well as the National Defense Industrial Association and the Aerospace Industries Association, the Secretary of Defense, and others have spoken strongly on this issue.

Let me quote from the U.S. Chamber of Commerce letter:

> On behalf of the U.S. Chamber of Commerce, the world's largest federation, representing more than 3 million businesses, I am writing to express serious concerns for two Buy American-related amendments for consideration during Senate debate on the National Defense Authorization Act. These sections represent important steps in Department of Defense transformation plans as it is filed.

So I would hope we would also understand the Senate needs to go into these negotiations with a strong position, given the position of the House Armed Services Committee authorization. So I hope we will adopt the amendment. I ask for its enactment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3197, AS MODIFIED

Mr. DAYTON. Mr. President, I ask unanimous consent that the amendment be set aside, and I call up my amendment 3197 and ask unanimous consent that my amendment be modified with the changes that are at the desk.

Mr. WARNER. Mr. President, reserving the right to object, the modifications are at the desk. We have examined them, and there is no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is modified.

The amendment (No. 3197), as modified, is as follows:

> Beginning on page 172, strike line 11 and all that follows through page 176, line 12.

Mr. DAYTON. Mr. President, I thank the chairman for his concurrence.

Mr. President, I want to say at the outset, as I said yesterday, but in the absence of my colleague from Arizona, I have the utmost respect for him and also for those who take a different position on this issue. But I am a little perplexed at the dire consequences that are being asserted if my amendment were to be adopted, because my amendment simply strikes language that is in the bill before the Senate which is itself modifying current law.

My amendment simply takes us back to current law. My amendment simply takes us back to the principles and the policies and the standards and the law in the Buy American Act, which has been in effect in this country for 70 years. So I am astonished that these dire consequences are being asserted on something that has been in existing law for 70 years, that has benefited companies represented by the U.S. Chamber of Commerce and the National Defense Industrial Association, that may have certain members that have exported jobs and instead set up bases of operation in other countries, including those affected by this amendment.

So there may be those who have that particular financial interest for their own companies involved, but, overall, as the Senator from Arizona pointed out, national defense and military equipment are areas of our trade where we enjoy a surplus. So it seems evident that the policies and the laws of this country affecting both ''Buy American''—which provides exemptions for the Secretary of Defense in just the circumstances that the Senator from Arizona cited: if there are not products available that are of the right quality, if there is a delay in obtaining them, if the prices are not competitive, if there are any factors at all that would harm our ability to provide for our national defense or to supply our fighting men and women who serve us so heroically around the globe—if there were anything at all that were an impediment to them getting the best equipment, getting the most advanced equipment, in a timely basis, at a competitive price, then the Secretary of Defense, under the current law, is entitled and has the authority to make a waiver and grant an exception.

But this ''Buy American'' law has said—for 70 years, under six Democratic administrations and five Republican administrations, until this administration started to object to it—try to buy American because if you buy American, you strengthen America by supporting American companies producing products in the United States of America, employing American citizens, providing jobs in this country.

It is this administration which seemingly has very little concern about that job base. Given that we have lost, since President Bush took office, in the last 3½ years, over 2½ million manufacturing jobs in this country—that is, 2½ million Americans who were holding those jobs when President Bush took office, who are now without those jobs. Maybe some have found lesser paying service sector jobs, but many of them are unemployed and have been for a long time. Under those circumstances, you would think this administration would be unwilling to adopt any violations of the Buy American Act that would have the consequence of costing more American manufacturing jobs or not recovering some that would otherwise be possible

to be recovered for the benefit of American citizens, for the benefit of American companies. But evidently that is not a concern.

I appreciate that Senator MCCAIN has, by his proposed substitute amendment—and I would support that if my own were not successful—reduced the number of countries that are going to be given this special treatment, this special advantage under the existing armed services language—section 842 that I propose to strike—and has stated that the countries that will be given this special exemption are those that have signed statements of principle with the United States rather than memoranda of understanding regarding U.S. purchases from those countries.

I am a little perplexed that the Senator from Arizona cited letters in support of his position from the countries of Canada and the Netherlands because, according to the information I have been provided, those two countries do not have statements of principle signed with the United States, so they would not be included. In fact, they would now be excluded by Senator MCCAIN's proposed substitute amendment. As I understand it, the countries that have signed these statements of principle include Australia, Norway, Denmark, the United Kingdom, Sweden, Spain, and Italy. I am pleased that the number of countries then that would be exempted from ''Buy America'' are only 7, as opposed to 21 before, but those are still 7 countries, frankly, that enjoy, on an overall basis, a sizable trade surplus with the United States.

In other words, this country, if you take all goods and services, imports far more products from those countries, buys more products made in those countries than we export to those countries. One of the few exceptions to that is the sale of military equipment. That is to our advantage. That means we are exporting more than we are importing. That means we have more jobs generated in the United States to produce those goods and products than we are importing in return. But on an overall basis, taking all products—commercial, industrial, agricultural, and services—we are paying more money to import goods and services from those countries than we are exporting.

So why are we willing to sacrifice one of the very few sectors in which we enjoy a trade surplus and give that up by agreeing to buy the same amount of product from them as we sell to them in this one sector and then leaving all others aside? If we want to take that approach, if we believe, as those countries do, that these kind of reciprocal agreements are valuable to them, as they are, because they provide jobs in those countries, why don't we make that requirement for everything we import from those countries? Or better yet, why don't we make that agreement for everything we import all over the world? Because as the latest figures show, we are running a world trade deficit that now exceeds on an annual basis $550 billion a year. That is $550 billion that leaves the United States to buy foreign products. Here we are, in one of the few sectors where we enjoy an export surplus, prepared to give that up on the basis of getting contracts or selling products to those countries.

I can understand why those countries who wrote those letters of support would do so because that kind of agreement benefits them. But we are not making laws—or we should not be—and we are not making trade policies—or we should not be—that benefit Canada, the Netherlands, Denmark—with all due respect, important friends and allies as they are—any more than they pass laws or make trade policies that benefit the United States to their own disadvantage. So if they are not prepared to do so, and they should not, why would we do so when we should not?

My goal is not to change current law; my goal is to stay with current law. It is to strike the language in this bill that would create these additional exceptions, that would allow other companies in other countries to gain contracts that are for goods and services that are now produced in the United States by American companies, employing American workers, paying taxes in American communities that benefit our schools, our local governments, our State and Federal Government, but, most importantly, that provide jobs for American citizens, the same as current law. I am not asking for any more protectionism. I am not asking for any more of anything affecting trade policy or trade agreements than exists under current law. I am simply asking my colleagues not to go further.

I ask my colleagues—at a time when we have lost over 2.5 million manufacturing jobs under President Bush and his administration—not to go further, not to cost us more manufacturing jobs, but to take a stand on behalf of those who are working in American industries today, those who want to return jobs to American industries tomorrow. Let's stick with current law. That is what my amendment does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes.

Mr. WARNER. Mr. President, to go directly to the comments the Senator just made, as he and I were in our colloquy the other day, I pointed out that at the present time the United States, in the last fiscal year, sold $63 billion in defense sales and only purchased $5 billion. My point is, the Senator is going after the wrong target, the wrong segment of the industry by this amendment, because it will create greater loss of jobs if we go after that trade surplus that is in defense right now. That is why we plead with our colleagues to leave this sector of trade untouched. I believe it is very important we do that.

The second thing that concerns me, and it is somewhat technical, in drawing up this bill, I gave specific instructions to the staff to preserve the sanctity of that part of ''Buy America'' which I and I think everybody in this Chamber supports, the Small Business Act, where 23 percent of the dollars for small businesses have to go, the shipbuilding, the blind and the handicapped, and the Berry amendment. Yet when the Senator modified his amendment, this section up here was taken out. That is caught up, and takes it out also.

It seems to me it is important for the Senate to reaffirm the sanctity of those four categories of trade as being purely ''Buy America'' and let them stay. But the Senator has taken out the work of the committee when we put it in there. That is what troubles me.

Lastly, we have here another communication from the Secretary of Defense of Great Britain, who is so explicit, he says:

> . . . efforts by Administration officials to introduce unnecessarily restrictive language into US/UK cooperative armament and research MOUs are a potentially serious blow to US-UK relations in the defence equipment co-operation field. They would put us under pressure domestically—
>
> That is, before the parliament, their parliament would now begin to examine this tremendous trade surplus that we have with relationship to Great Britain
>
> —to review our own policies and to consider whether we are prepared to continue to place significant defence contracts with US suppliers in the face of what could only be seen as a demonstrably uneven playing field. The mutual operational, technological, and industrial benefits we have enjoyed over years of equipment cooperation could quickly evaporate with both of us being losers, and with obvious political ramifications.

I say to my good friend, I recognize his intention to try and help America save jobs, but his amendment addresses the wrong sector of trade. He could do serious damage to a surplus we are generating with additional jobs in the United States as it currently exists.

I yield the floor.

The PRESIDING OFFICER. All time on the amendment has expired.

VOTE ON AMENDMENT NO. 3461

The question is on agreeing to the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 46, as follows:

The result was announced —- yeas 54, nays 46, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—54

Alexander	Crapo	Lieberman
Allard	DeWine	Lott
Allen	Dole	Lugar
Bennett	Domenici	McCain
Bingaman	Durbin	McConnell
Bond	Ensign	Miller
Brownback	Enzi	Murkowski
Bunning	Fitzgerald	Nickles
Burns	Frist	Roberts
Campbell	Graham (SC)	Santorum
Cantwell	Grassley	Sessions
Chafee	Gregg	Shelby
Chambliss	Hagel	Smith
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Jeffords	Thomas
Craig	Kyl	Warner

NAYS—46

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Graham (FL)	Nelson (NE)
Biden	Harkin	Pryor
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Byrd	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Kohl	Snowe
Corzine	Landrieu	Specter
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Voinovich
Dodd	Levin	Wyden
Dorgan	Lincoln	
Edwards	Mikulski	

The amendment (No. 3461) was agreed to.

AMENDMENT NO. 3197

The PRESIDING OFFICER. Under Senate precedent, the accompanying Dayton amendment to strike is moot.

Mr. ENSIGN. 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. 3467 TO AMENDMENT NO. 3315

Mr. ENSIGN. Mr. President, I call for regular order with respect to a Landrieu amendment numbered 3315 and offer a second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3467 to amendment No. 3315.

Mr. ENSIGN. 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 as follows:

(Purpose: To provide a fiscally responsible open enrollment authority)

On page 9, strike lines 12 through 22, and insert the following:

(8)(A) The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(B) Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(C) In this paragraph, the term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

Mr. WARNER. Mr. President, if I might, on the resumption of the Senate consideration of this bill, that will be following the taking of the annual picture. At this time, the understanding is Senator DASCHLE will be recognized for the purpose of bringing up his pending amendment. I inform the Senate of that situation.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:23 p.m., recessed until 2:41 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Democratic leader is recognized.

AMENDMENT NO. 3409

Mr. DASCHLE. Mr. President, I ask for the regular order with respect to amendment No. 3409.

The PRESIDING OFFICER. The Senator has that right. The amendment is now pending.

AMENDMENT NO. 3469 TO AMENDMENT NO. 3409

(Purpose: To assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation)

Mr. DASCHLE. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3468 to amendment No. 3409.

Mr. DASCHLE. 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.'')

Mr. DASCHLE. Mr. President, in 1898, as the Spanish-American War drew to a close, then-COL Theodore Roosevelt warned his Rough Riders about the reception they would receive once they returned home:

The world will be kind to you for 10 days. Everything you do will be all right. After that, you will be judged by a stricter code.

We have come a long way in the treatment of our veterans, and our recent commemoration of Memorial Day, our dedication of the World War II Memorial, the observance of the 60th anniversary of D-day, attest to the gratitude our Nation feels toward the men and women who have defended our freedom. Ultimately, the real test of our gratitude, however, is not found in parades or ceremonies. The real test is whether we honor our promises and provide our veterans with the help and benefits they need.

Sadly, we are not meeting that test. In recent years, large numbers of veterans have seen their health care delayed or denied outright. The reason is clear: Our system for funding the VA is broken. The VA's enrolled patient population has grown 134 percent since 1996, while appropriations have risen only one-third as quickly.

The President's task force to improve health care delivery for our Nation's veterans, created by President Bush through Executive Order 13214, reported a significant mismatch in VA between demand and available funding. That mismatch is translated into lengthy waiting lists, forcing hundreds of thousands of veterans to wait for months, even years, to see a doctor, increased out-of-pocket payments resulting in veterans paying six times more for their health care than when this President took office, from $200 million in 2001 to an expected $1.3 billion next year, and new enrollment restrictions.

Last year, Secretary Principi ruled that 200,000 priority 8 veterans could no longer enter the VA health care system. If nothing is done, the Congressional Budget Office now predicts the number denied access through this one policy will grow to 1.5 million by the year 2013. The Bush administration refuses to acknowledge the system is broken and preaches a policy of ''demand management.''

Let's be clear, demand management means taking any and all steps necessary to restrict the number of veterans treated by the VA, including rationing care, sending the bill collectors after veterans, and blocking enrollments. The principle of demand management says to the veteran: Take your health concerns somewhere else because we cannot help right now.

That is not a policy, that is a disgrace, and it is time we reject that principle that governs the care we offer our veterans today. Veterans have a fundamental right to health care, and we have an obligation to ensure that the VA has the resources to provide them. The answer to the VA health care crisis is simple: We need a new funding system that will allow us to provide health care to every American

who served in the Armed Forces of the United States.

My amendment today would spell out that objective in the law. The amendment would remove veterans health care from the annual politics of appropriations cycles. Instead, veterans health care would be funded like other vital programs, including military retirement, Social Security, and Medicare.

Each year, the Veterans Health Administration receives funding from two sources: First, an annual discretionary amount which remains unchanged from year to year locked in at the funding level for fiscal year 2004; second, an annual sum of mandatory funds. This amount would adjust each year to reflect changes in demand from veterans and the rate of health care inflation.

At the end of 2 years, Congress will be required to revisit the decision, and the GAO would study whether this system has functioned according to plan and whether the funding formula should be refined. Congress would then be required to update the law to reflect the lessons learned after 2 years of actual operation.

In effect, we would be creating a 2-year trial and then deciding how to refine the model and move forward. Meanwhile, every veteran who needs health care would receive it. President Bush's own task force recommended such a system saying: ''The Federal Government should provide full funding . . . through a mandatory funding system'' or other modifications to the current appropriations process.

I reemphasize, that was the President's own task force on this system. The Committee on Veterans Affairs in the House of Representatives offered its own bipartisan endorsement of mandatory funding earlier this year.

A February 25 letter signed by Republican chairman Chris Smith and Democratic ranking member Lane Evans stated:

> Rather than supporting administration proposals that could reduce demand . . . and shift costs to other parts of the Federal medical system, the committee recommends treating spending on veterans programs the same as spending on Social Security and Medicare.

Leading veterans organizations have also joined in an unprecedented coalition to fight for health care budget reform. The American Legion, AMVETS, the Blinded Veterans, Disabled American Veterans, the Jewish War Veterans, the Military Order of the Purple Heart, Paralyzed Veterans of America, the Veterans of Foreign Wars, Vietnam Veterans of America—they have all banded together to work toward a system that guarantees health care for our veterans.

I believe their coalition, the Partnership for Veterans Health Care Reform, has identified a compelling solution to the VA funding crisis, and I have pledged my support in making it a reality. South Dakota veterans associated with these groups have joined in enthusiastic support.

This is not an abstract debate over numbers for my friends back home. These veterans have sat on waiting lists, these veterans take the phone calls from the VA's new bill collectors, these veterans have friends and neighbors who are prohibited from enrolling in the current VA health system.

Earlier this year, these South Dakota veterans were moved to action. Nearly 500 veterans from nearly 50 communities in every corner of our vast State signed a petition urging us to adopt mandatory funding for the VA.

South Dakota's American Legion CDR Wayne Vetter brought me this powerful statement, and I sent a copy to the White House. I am sorry to report that I have not yet heard a response from the President or anyone in the White House with regard to this statement.

It is time that we recognized that health care for those who return from war is a cost that follows directly from our Nation's military operations.

Ask any veteran. The burden of military service lives long after the parades are over and the medals and ribbons have been stashed in a closet. There are no more fundamental needs for these men and women than access to quality, affordable health care. Our veterans once kept this country safe and strong. Today they need a health care system to keep them strong. We must adequately fund the system that provides that care.

We can eliminate the annual budget problems in Washington and create a system where veterans can rely on the VA to be there when they need it. We have done it for military retirees. We have done it for Social Security recipients. We have done it for Medicare. We ought to do it for veterans.

The debt we owe our veterans must be something that lasts beyond the parade, beyond the ceremonies, beyond the 10 days of gratitude Teddy Roosevelt told his Rough Riders to expect. The debt is unending and our willingness to repay that debt must be unending as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my distinguished friend, the Democratic leader, I think the Senate Armed Services Committee, working in conjunction with the Senate Appropriations Committee in a bipartisan way, over a series of years now, has addressed, together with the participation of the Committee on Veterans' Affairs, a number of issues which have substantially improved the ability of the veterans to meet their obligations to their families and to themselves for the balance of their natural lives.

For 2 consecutive years and again this year, the distinguished Senator from Nevada brought forth a provision for concurrent receipts, which is an improvement in the bill on that. Senator LANDRIEU, together with two other colleagues, Senators SNOWE and ENSIGN on this side, have now perfected an amendment which is going to help the widows as they meet—and perhaps those of the male sex who are recipients of the retirement benefits of a female veteran—as a consequence of this bill, each of those will be able to expect to have greater certainty as to the amount of money in terms of their retirement at that juncture in life when Social Security becomes available to the surviving spouse in that situation.

As to the impression that the Senate, and particularly the Armed Services Committee, has not been very forthcoming in fulfilling what each of us believe in our hearts is that tremendous debt of gratitude to veterans and their families, I suggest the record states the Senate has worked its job and, in conjunction with the House, these matters have now become matters of statutory guarantee.

The distinguished Democratic leader has proposed an amendment which requires a combination of discretionary and mandatory funding for veterans health care. The modification includes a requirement for a Comptroller General report by January 31, 2007, on the funding achieved by the amendment, and provides for an expedited review of a joint resolution of Congress to implement the Comptroller General's recommendations.

The modification directs mandatory spending by the U.S. Treasury in the amount of $300 billion over 10 years. I want to repeat that. The modification directs mandatory spending—that is a very significant legislative initiative—by the U.S. Treasury in the amount of $300 billion over the next 10 years.

Every Member of the body joins with Leader DASCHLE in recognizing the need to continue to provide adequate funding for the health care of veterans in this country. I would point out that, to my knowledge, funding for veterans programs has increased significantly in the past 3 years under the cognizance of the Congress. Spending for veterans health care has gone up 34 percent since the year 2001, and I believe my colleagues Senator NICKLES and Senator BOND are both prepared to address the funding of health care for our Nation's veterans when they soon approach the floor to actively debate this amendment.

The Senate budget resolution includes $29.1 billion for veterans health care, an increase of $1.4 billion, or 5 percent, in 2004.

In light of these increases, in this Senator's opinion, any future significant increases for veterans health care warrant careful consideration by the Congress. Such consideration would be limited by this amendment, which mandates funding based on a per capita formula.

For Federal budgeting purposes, the VA health system, as the DOD system, is discretionary, as juxtaposed against mandatory. Now that is what we are talking about, changing the manner in

which we have been funding veterans health care these many years. It seems to me the discretionary program has worked well. It has served the veterans' needs and should remain as a matter of law.

The amendment does not create an entitlement to VA health care. It replaces the current system of discretionary funding, which has no ceiling, with a formula-based approach which combines discretionary and mandatory funding.

I have been informed that experts on veterans health care believe the proposed formula is flawed, that it will have the effect of turning the VA health care system into a kind of glorified HMO, with every incentive to enroll the young and healthy and cut corners on the care needed by the old and the sick. These incentives are contrary to the commitment of this Nation to the health care needs of our veterans.

Treating the VA health care budget as mandatory rather than appropriated discretionary funding will hurt the ability of Congress to ensure accountability within the system and consistency of benefits throughout the country.

The modification attempts to control the outcome of the appropriations process by, in effect, establishing a cap in the amount appropriated by Congress in future years equal to the amount appropriated in fiscal year 2004, which is $28.3 billion. It further yields to the Comptroller General the responsibility of determining whether adequate funding for veterans is achieved, and how to fund these programs in future years.

Neither the original amendments, numbered 3408 or 3409, nor the modification proposed by the Senator from South Dakota is relevant to the Defense authorization bill. I hesitate to put that to my colleagues but it is clearly a fact. The only relevance is the unity of spirit is that of each of us in this chamber, and indeed I think the Congress, to share in supporting our veterans nationwide.

These funding proposals contained in this amendment require the careful deliberation of Congress to the appropriate committee of jurisdiction, the Committee on Veterans' Affairs, prior to further action by this body.

I yield the floor so my colleagues can address the subject.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I rise in strong opposition to the Daschle amendment. I strongly share the Senator's goal of improving health care and benefits for our Nation's veterans. I think for a number of reasons this is a misguided approach and will not achieve the desired goal of assuring access for all veterans.

I speak to this with a good deal of experience. Currently, I am chairman of the Appropriations VA–HUD Subcommittee. This is the committee that funds the VA. Since 1995, I have been in the leadership as either the chairman or the ranking member, and I can assure my colleagues that throughout that timeframe VA medical care has been a top priority on a bipartisan basis for that committee. The VA has received from that committee very strong support for medical care.

Since 1998, VA medical care has increased by $11 billion, and since 2001 it has increased by $7.3 billion, or 34.7 percent. That is a huge increase, and we made those increases because there were needs. Under the appropriations process, we can respond to those needs. That is why I think the Daschle amendment may have some questionable long-term implications.

Under the current system of discretionary appropriations, the Congress has the flexibility to make the necessary funding adjustments on an annual basis to respond to the challenging health care needs of veterans and to ensure proper accountability with the system so that veterans' needs are being adequately addressed.

Under the mandatory system proposed by the Senator from South Dakota, there would be a fixed funding system based solely on enrollment levels and a contrived inflationary index. Further, discretionary appropriations would be capped at the 2004 appropriations level for VA medical care. Let me go back and take a look. Here is something. I am reading from a chart that has been prepared by the Budget Committee. It shows, going back to 1993, that in that year, for example, the Consumer Price Index, CPIU, hospital and related services, was up 8.37 percent. The CPIU medical care was up 5.97 percent. But VA medical care was up 9.1 percent in the appropriated accounts. In other words, if we had been using either of those formulas, we would have gotten less under the formula than we actually got appropriated.

Of the last 10 years, there were 4 years—1996, 1997, 1998, and 1999—when the index would have provided more. But overall, as I said, let's go back to 2002. Then the highest index on medical care was 4.72 percent. The budget was increased 7.6 percent. In 2003, the hospital and related services index went up 7.36 percent, but the VA medical care budget increases in the appropriations bill went up 12.3 percent. That is almost a 5-percent higher rate of increase under the appropriations formula.

I think that shows the flexibility with which the appropriations process works. But there are other things we have to do in the appropriations bill. First, the funding formula creates an artificially fixed level. It doesn't reflect the unique medical care needs of veterans. The VA system was specifically created to respond to the unique needs of veterans who suffered health problems born on the battlefield. VA provides special services for veterans who have been exposed to environmental hazards or toxic substances or suffered spinal cord injuries or loss of limbs. This is especially evident in our veterans returning from Iraq and Afghanistan, many of whom we have met in Walter Reed Hospital to see the care they are getting in the regular military hospitals.

But our veteran population is aging. They are going to need special long-term care services not accounted for under the Daschle funding formula. Veterans in need of nursing home care are expected to increase from some 640,000 to over 1 million by 2012 and remain at that level until 2023.

More importantly, I think the mandatory funding option eliminates the strongest tool of the Congress, the purse strings, to ensure accountability within the VA health care system. We are fortunate that the VA now has a very strong leader who is a great administrator and who is thoroughly committed to the needs of veterans, Secretary Tony Principi. He has made tremendous strides in improving the VA health care system because he demands the VA be accountable and responsive to the needs of veterans. Nevertheless, I have seen years where the VA has not had the same kind of leadership that it has under Secretary Principi. I believe it is necessary and was necessary at previous times that Congress have the ability to ensure the VA system is held accountable and makes the necessary reforms so they can provide timely, quality health care services to our Nation's veterans.

Even the President's task force acknowledges that providing sufficient funding to the VA will not by itself guarantee timely access. Let me give an example. Over 10 years ago, we were able to push successfully for improvements to health care access by forcing the VA to open more community-based outpatient facilities so veterans would not be forced to drive hours to receive medical care. I know how important that is. In my home State of Missouri some veterans would spend a whole day driving to the veterans hospital in Colombia, MO, or St. Louis or Kansas City. We found by adopting a system of community-based health care clinics we could provide the services, the primary care services, the pre-op services, in a setting that was less expensive. We could take them in a hospital that is more accessible and save much time and energy for the veterans, while ensuring they get the health care they need. We have been able to successfully push the VA to develop a comprehensive capital needs assessment, known as CARES, to realign the VA care and medical infrastructure so the system is modernized and located closer to where veterans live.

Many people have fulminated against the CARES process because its purpose is to look at unneeded veterans facilities. I have heard some statements that are totally unwarranted, saying that the CARES project is going to take away needed facilities, needed care for veterans.

To the contrary, the whole concept of CARES was one that we pushed in our

Appropriations Committee and that the previous administration, the Clinton administration, adopted. The General Accounting Office had found that the VA is currently wasting $1 million per day on unneeded and empty buildings. That comes right out of the medical care budget. When you have a huge hospital that is 10-percent full, the costs are astronomical for serving that small population.

Under the CARES process, those services will be moved to a more appropriate structure, and the funds will then be used to provide services, whether it is community outpatient services or some other specific kind of service or just putting more money into the medical professionals to make sure the veterans get the health care they deserve.

The GAO had found that more than 25 percent of veterans enrolled in VA health care, over 1.7 million veterans, live over 60 minutes driving time from a VA hospital. Under the Daschle system, Congress would no longer have the ability to force the VA to make the reforms necessary, as outlined under its CARES program, to improve care and access for our veterans. Instead, the system could build in waste and failure to be responsive to the needs of those who are supposed to benefit from the system.

The third problem with the amendment is that the VA cannot spend all of the additional funds contemplated in the Daschle amendment due to infrastructure and hiring concerns. The VA has an outdated and aging infrastructure. That is why we are pushing the CARES program. In many cases, VA does not have the space to accommodate the needs of patients and health care workers. We need to make sure that money is funneled into providing those facilities to meet the current and future needs of veterans rather than the facilities designed to meet the needs of veterans 40 years ago when their needs were very different and their locations were very different.

In some hospitals, patients are forced to wait in hallways because of the lack of waiting area space. As mentioned earlier, CARES will address these infrastructure needs, but it is going to take years to implement fully the CARES restructuring process. Further, many of my colleagues know that there is a severe nursing shortage in this country. In some facilities, the VA is having a difficult time retaining and recruiting qualified nurses. The VA is also seeking physician pay reform legislation because it is currently restricted in what it can pay for doctors, which hurts the VA's ability to recruit and pay doctors. Those are aspects on which we have to continue to work.

Last, the Daschle amendment imposes a set ceiling on VA health funding as opposed to the current system which has no ceiling and allows Congress to provide more funding as necessary.

As I said at the outset, we provided a 34.7-percent increase in VA health care funding since 2001. If the Daschle amendment had been in place using the available indexes, the likelihood would be that there would be at least 10-percent less funding that would be going to the VA as a result of the fixed mandatory funding system.

In closing, I urge my colleagues to oppose the Daschle amendment. Members can oppose the Daschle amendment and be concerned about the needs of veterans and help us work to make sure veterans get the health care they need, continuing to support our efforts in the Senate, in the Appropriations Committee, to get the kind of funding we need. We have done so on a bipartisan basis. I intend to continue to work to do so.

However, we are going to have to have the flexibility to make sure we hold the VA accountable, to make sure they provide the services, and that they make the changes necessary.

Funding is critical. I certainly agree with that. I am proud to say we have succeeded in providing that funding over the past several years. Funding, however, is not the sole antidote for the problems addressing the VA health care needs. We must ensure that the VA system remains responsive and accountable to our veterans.

I fear adoption of an amendment such as this would be an empty promise to our Nation's veterans who have special needs and demand a health care system that is accountable and responsive to their needs. Our system of checks and balances has played a critical role in transforming the VA health care system which is now underway to ensuring that we will be able to meet the health care needs of veterans well into the 21st century.

The Daschle amendment significantly reduces the role of Congress in ensuring improvements in reforms to the VA health care system so it is more accountable to the needs of the veterans. By capping the discretionary amount of appropriations at the 2004 level, our hands would be tied in making adjustments to the funding needs of our veterans. This is especially dangerous considering the hundreds of thousands of troops currently deployed across the globe fighting the war on terror and in Iraq. I strongly believe in putting the needs of veterans first.

Those needs are not best served by these amendments which would, in my opinion, based on my experience working with the system, hurt our ability to meet that goal. That is why I close by urging my colleagues not to support the amendment by the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are ready to vote. It is my understanding the leader wanted to have some votes today. We are ready to vote.

It is my further understanding after the next vote in relation to the Defense bill now before the Senate, he wanted some votes on judges. We are ready to do that.

Until Senator WARNER appears, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3414

(Purpose: To provide for fellowships for students to enter Federal service, and for other purposes)

Mr. REID. Mr. President, I ask the pending amendment be laid aside and I ask that amendment 3414, which is at the desk, be reported. I offer the amendment on behalf of Senator AKAKA.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. AKAKA, proposes an amendment numbered 3414.

Mr. REID. 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.)

Mr. REID. I ask unanimous consent the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3387

Mr. REID. I ask that amendment 3387 on behalf of Senator LEAHY be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 3387.

Mr. REID. 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 as follows:

At the appropriate place in the bill, insert the following:

TREATMENT OF FOREIGN PRISONERS

SEC. . POLICY.—(a)(1) It is the policy of the United States to treat all foreign persons captured, detained, interned or otherwise held in the custody of the United States (hereinafter ''prisoners'') humanely and in accordance with standards that the United States would consider legal if perpetrated by the enemy against an American prisoner.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibition against torture, cruel, inhuman or degrading treatment.

(3) If there is any doubt as to whether prisoners are entitled to the protections afforded by the Geneva Conventions, such prisoners shall enjoy the protections of the Geneva Conventions until such time as their status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of prisoners, which is contrary to the legal principles and security interests of the United States.

(b) REPORTING.—The Department of Defense shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of prisoners who were denied Prisoner of War (POW) status under the Geneva Conventions and the basis for denying POW status to each such prisoner.

(2) A report setting forth: (A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and (B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and the reason(s) for not bringing such individuals before a military commission.

(3) All International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of prisoners in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such ICRC reports should be provided, in classified form, not later than 15 days after enactment of this Act.

(4) A report setting forth all prisoner interrogation techniques approved by officials of the United States.

(c) ANNUAL TRAINING REQUIREMENT.—The Department of Defense shall certify that all federal employees and civilian contractors engaged in the handling and/or interrogating of prisoners have fulfilled an annual training requirement on the laws of war, the Geneva Conventions and the obligations of the United States under international humanitarian law.

AMENDMENT NO. 3469

Mr. REID. Mr. President, I send an amendment to the desk in relation to that amendment.

Mr. WARNER. Can I ask, is this a modification to the Leahy amendment?

Mr. REID. Yes.

Mr. WARNER. I have to interpose an objection.

Mr. REID. There is no objection in order.

Mr. WARNER. Fine; I understand.

Mr. REID. Is there?

Mr. WARNER. I suggest the absence of a quorum.

Mr. REID. The amendment has to be reported first.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3469 to amendment No. 3387.

The amendment is as follows:

(Purpose: To direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States)

At the appropriate place, insert the following:

SEC. ___. REQUEST FOR DOCUMENTS AND RECORDS.

The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

Mr. REID. 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. DASCHLE. 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. DASCHLE. Mr. President, we will have a period for consideration of the bill for the purpose of debate only. No amendments will be offered until we clarify how we might resolve our parliamentary situation.

I have to say our distinguished chairman has done an outstanding job in getting us to this point, as has our ranking member. I am very concerned that as close as we are to completion, we have not been able now to move forward. We have only had two votes on this bill so far today. It is now 4 o'clock. I have laid down an amendment. I am willing to do a side-by-side, if necessary. We have other legislation pending.

I was told we cannot have a vote on my amendment because the Senator from Massachusetts, Mr. KERRY, is in town, and we cannot allow him to parachute down and have a vote. I think that is very unfortunate. He is here to vote, and I would think we would accord every Senator the right and opportunity to vote on this amendment and whatever other pending legislation.

We can finish this bill. We have already agreed under unanimous consent to finish this bill for debate purposes by the end of the day. All we have left are whatever amendments are going to be offered between now and 6:30 p.m. We are so close. I only hope we consider the admonition of both of our managers, that we work together as we have for the last many days now to complete our work.

Let's have a vote on the veterans amendment, let's have a vote on the other pending legislation, and let's move forward with these amendments in the same good faith we have demonstrated to date. We could have been far more confrontational with regard to unrelated amendments. We have not done that. At the urging of Democratic leadership, we have withheld many of those amendments. I hope we would show the same good faith as we complete this bill.

Senator KERRY ought to have a chance to vote. There ought to be an opportunity to dispose of these amendments. How ironic it is that we are the ones who appear to want to finish, and certainly our manager wants to finish, but there are those on the other side, for whatever reason, who are unwilling, reluctant to allow us the votes that are pending on the amendments that have now been laid down.

I urge reconsideration of that point of view at this point. It is counterproductive. It says all the wrong things about the desire to complete our work before the end of this week with all we have to do. I urge my colleagues to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I must respectfully say to my good friend, the Democratic leader, that I have to take a different view with regard to the situation on Senator KERRY. I listened to, I thought, most of the conversations, and I do not feel that is the situation. I have tried, and I propose trust in our colleagues on the other side.

I say I was negligent in allowing the first-degree amendment to come up and be second degreed. I felt it was another first-degree amendment being offered. It was not announced as a second-degree amendment. I tried to interject, but the parliamentary situation did not allow me to get a quorum call in to ascertain the situation.

What is past is past. But I do not want it to stand that on this side of the aisle I see a lot of attempt to block, whether it is KERRY or anybody else, from making votes here.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I am not sure to which second-degree amendment the distinguished chairman is referring.

Mr. WARNER. It was a Leahy amendment.

Mr. DASCHLE. If we can get a vote, we can certainly accommodate the Senator from Virginia. All we are looking for is a vote. It does not have to be on this particular amendment. If he wants to offer a second-degree amendment, we are certainly willing to look at ways with which to accommodate the majority in that regard. But a vote is important. It is relevant, of course. It ought to be offered.

As to the Kerry matter, I do not know if the distinguished chairman heard—he was standing here—Senator FRIST noted to me as he was standing here that he did not want to accord Senator KERRY the opportunity to vote today, knowing, of course, Senator KERRY was here today.

We can work through these issues if we can demonstrate a little more patience and a little more good will, and we can get the job done.

Mr. REID. Mr. President, will the leader yield for a question?

Mr. DASCHLE. I will be happy to yield.

Mr. REID. In years past, when Senator Dole was running for President,

when he was still here, we went out of our way to make sure Senator Dole had the opportunity to do whatever he wanted to do. If he wanted to vote on one, two, three, or four items, we made sure he had that same opportunity. It was the same with Senator MCCAIN when he was running. We went out of our way to make sure when they were here they were protected.

Will the distinguished Democratic leader agree this is somewhat unusual that Senator KERRY, who feels this veterans amendment is important—he is a distinguished, decorated veteran. He feels he should be here to vote on the amendment. Isn't that somewhat unusual?

Mr. DASCHLE. First of all, I share the recollection of the distinguished assistant Democratic leader. Yes, we did accommodate those who had to travel for purposes of national campaigns in past elections. One would think we would do so in this case. We are trying to govern. We have the campaigns to run. One would hope we could keep the campaigns off the Senate floor.

It is ironic that some in the majority who have been pressing to get this legislation done now keep us from getting it done for that reason. We have wasted a couple of hours here. We could have finished this amendment and moved on. I think everybody agrees we need to finish this legislation. No one has worked harder at it than the distinguished chairman. But now we are being told we cannot do that. I did not know it was finished unless it involves giving Senator KERRY a chance to vote. It is not the right thing to do. We know that.

I hope we come to our senses and get on with getting the business of the Senate done.

Mr. WARNER. Mr. President, before this colloquy started—I think we have pretty much completed it, and we have different perspectives—we encouraged those Senators to come up and debate those amendments which are at the desk so we could have debate on them, but no further amendments in the first and second degree would be sent to the desk. I think that is a gentleman's understanding.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, one of the points I am disappointed in and concerned about is I do not want the Senator from Virginia—he and I have worked together for two decades—I do not want the Senator from Virginia to think in any way that I tricked him or misled him or deceived him. That is why during the time we were here together I said I would be willing to withdraw the second-degree amendment.

The Senator from Virginia must understand that the amendment will come up again because we have a right to offer that amendment, and whether it is offered by me, Senator LEAHY, or by whomever, it will be offered at some subsequent time.

I get the feeling, in talking to the Senators who were representing the majority, that simply because we were going to require a vote on this there would not be any more movement on this bill, and that is not productive. So my point is the offer is still there. The Senator from Virginia should understand that I would be willing to withdraw the second-degree amendment that is in my name but the Senator should understand that it will recur at some subsequent time.

Under the rules, there is no way it can be stopped, and even though the Senator was not aware of my offering the second-degree amendment, and I told him in privacy why I did this—I did not hide anything about why I did it when I did it, and I have no reservation about having done it—perhaps having disappointed the Senator from Virginia I would be happy to withdraw that, recognizing that at some subsequent time we are going to have a vote on it. The best way to do it would be to acknowledge at this time that there would be a vote on it and have a vote on whatever the Senator might want to do, if he decides to second-degree the Leahy amendment and have the Leahy first degree and second degree voted on, because that is ultimately what will happen if we are ever going to finish this bill, unless cloture is invoked.

So I would like a comment from the distinguished chairman as to whether he would want me to do that.

Mr. WARNER. At this point in time I think we better go back to the original posture of the agreement we reached that we would at this point in time this afternoon just continue debate on matters pending at the desk.

Mr. REID. I want the Record to be clearly spread with the fact that if the Senator from Virginia feels that I misled, deceived, or tricked him in any way that I will withdraw my amendment. So the Senator understands that.

Mr. WARNER. I do not wish to use any of those words. All I recall very clearly when I quickly came on the floor, the Senator had the floor, Senator BOND had yielded the floor to the Senator from Nevada—I thought he was managing—and the Senator from Nevada said he wanted to send up amendments on behalf of Senators AKAKA and LEAHY. I said, fine, that is within the rules, and that the Senator did but he did not indicate that there would be a third amendment in the nature of—

Mr. REID. So all the Senator has to do is say he wants me to withdraw my second-degree amendment and I will be happy to do that, recognizing that if I do not offer it somebody else will at some subsequent time.

Mr. WARNER. I understand clearly the Senator has the same rights as all Senators as it relates to this amendment, but at this point in time our side is trying to deliberate the posture we are in and I am going to have to remain on the floor. Others will come and send for me when I am ready to make my contribution, but at this time I have no other colleagues on the floor so I am just going to remain. I suggest we just go ahead and debate those matters at the desk.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). 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. Without objection, it is so ordered.

Mr. REID. Mr. President, the amendment I offered dealing with a request for documents and records basically says:

> The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

Because of my longstanding work with the Senator from Virginia—I started out as a new Senator on the Environment and Public Works Committee and he was the chairman of the subcommittee there and he always looked after me and extended to me more courtesies than probably he should have, and all my dealings with the Senator from Virginia have been most courteous; I think he is really a gentleman and I know he is too proud to say that he wants me to withdraw this—and because he has not asked me to withdraw it because I think down deep he thinks that I perhaps did something I should not have done, I do not want anything to occur—I am doing this as a personal thing between the Senator from Virginia and the Senator from Nevada, but of course, as I indicated, I or somebody else will offer this at some subsequent time.

AMENDMENT NO. 3469 WITHDRAWN

Mr. REID. I ask unanimous consent that amendment No. 3469 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I understand there is a general agreement that we will at this point in time not be sending any additional amendments to the desk, but Senators will debate those that are pending and debate those that may be offered at some point during the course of the day.

Am I not correct on that?

Mr. REID. Of course, this agreement would only go until 6:20.

Mr. WARNER. That is understood.

I ask unanimous consent that between now and the hour of 6:20, the Senate proceed to allow Senators to speak for up to, say, 15 minutes with regard to pending amendments or amendments that they may intend to offer.

Mr. LEVIN. Reserving the right to object, I assume that if we can work something out and amendments can be disposed of between now and 6:20, that would then be accomplished.

Mr. WARNER. We will take each one and examine it on its own individual basis.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have an amendment that is just listed in the understanding on Iraq. I have talked both with the chairman of the committee and the ranking member of the committee, and I was prepared to offer it and debate it during the course of the afternoon and to indicate a willingness to enter into a time agreement. It is a very important amendment. I will be glad to follow what the arrangements are between the chairman of our committee and the ranking member of the committee as a way to proceed. It is somewhat difficult with an amendment of this kind of importance to have only 15 minutes and others come during that 15 minutes. I guess we will get a chance to develop it further, but I want to speak to the amendment now and then follow the recommendations of the floor managers as to when we will come back and either debate this or work out a suitable time, because it is an important amendment.

I will take a moment of the Senate's time to express, quite frankly, my appreciation to the Senator from Nevada in offering the amendment that he had, which he did a few moments ago as a member of the Judiciary Committee. We know there are four committees which are in one way or another looking at the prisoner abuse scandal and tragedy. We have the Intelligence Committee that is looking at it. They are very much tied up with the 9/11 Commission that has made its report. We had the Foreign Relations Committee that had not had hearings on it. We have the Armed Services Committee under the leadership of Senator WARNER, which has done a first rate job trying to work through this whole dilemma. He is recognized by the members of the committee, and by others, as someone who has worked toward trying to find the facts on this situation. And there is the Judiciary Committee. We have seen in the published reports a number of memoranda were developed by the Justice Department as to the responsibility that the Executive has under these circumstances of recommending, roughly, under his ability as Commander in Chief, that he may very well be immune from any kind of rules, regulations, or orders that he might support in terms of the treatment of prisoners.

That concept runs counter to the view of 500 constitutional lawyers who issued a press release raising very serious constitutional issues and questions.

What the Judiciary Committee has been attempting to do is to review the various recommendations that have been developed by the Justice Department and the other agencies. It has been an interagency effort. This is not just the Justice Department advising the President on a matter of an Executive order. As a matter of fact, it was very clear during the hearing of the Judiciary Committee that the Attorney General did not claim executive privilege. But there was the incident where the Attorney General said that even though he is not claiming executive privilege, and even though he is not quoting a statute that might make him exempt from making these documents available, he still was refusing to make them available.

We had a brief discussion during the course of the committee hearing as to whether that was contempt of Congress. We are not trying to get into that whole situation. We are just trying to find out what these documents said in the interagency agreements that were being developed.

Now we are told this afternoon that approximately 3 of the documents of the 23 that were actually requested are available to the committee. Two of those are already on the Internet.

This is a matter of enormous importance and consequence. The American people see on television and hear on the radio and read in the newspapers about prison policy over there. We have recommendations made by the Justice Department, and there is a refusal to cooperate with the Congress. It is entirely appropriate that this institution have access to that material. That was the purpose of the amendment that was offered by the Senator from Nevada. It was entirely appropriate. I find it very necessary. There are many important matters in this Defense authorization bill. But it certainly seems this is a matter of very important consequence.

I believe the amendment still has great importance and relevance. I think the Senate ought to know what the Senator from Nevada was involved in is not only an honorable position but also a necessary one. But as he pointed out, we are now trying to move the process forward in terms of the Defense authorization bill.

I ask if I can have the full amount of time now to address the substance. Do I understand we have 15 minutes? Could I ask for 15 minutes? I ask consent for that.

The PRESIDING OFFICER. The Senator is entitled to 15 minutes.

AMENDMENT NO. 3377

Mr. KENNEDY. I thank the Chair. Mr. President, at an appropriate time I will call up amendment No. 3377. I ask unanimous consent the Senator from West Virginia, Mr. BYRD, be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, on June 30, sovereignty in Iraq will be transferred to the interim government. For the sake of the Iraqi people and our nearly 140,000 troops in Iraq, we all hope that the interim government will succeed, that its appointment begins a new stage in Iraq in which the security situation will improve at long last for our troops, and that we will no longer see a continuation of the administration's flawed policy that has generated so much turmoil in the past year and so many casualties for our forces.

Unfortunately, the violence continues. Twenty-two American soldiers have been killed in the 22 days since the announcement of the interim government. More than 450 American soldiers have been wounded in that period.

Even with the transfer of sovereignty and the recent United Nations resolution on the Iraqi transition, the key question is, when will the violence stop? When will the international community join us in securing and reconstructing Iraq? Or will the bulls-eye remain on the back of every member of our armed forces in Iraq?

The amendment I am offering today with Senators LEVIN, BYRD, LEAHY, DAYTON, and FEINGOLD seeks answers to these questions.

Our amendment requires the President to tell the American people whether or when the administration's policy will bring more international troops, police, and resources to Iraq. That's what we owe to our forces. That's what we owe to their families. And that's what we owe to the American people.

The amendment requires the President to submit a report to Congress on the administration's plan for the security and reconstruction of Iraq no later than 30 days after the date of enactment of the bill.

The report must address whether and when the administration's strategy of working with the United Nations and other nations will bring more international troops, police, and resources to Iraq and provide relief to the men and women of our armed forces. It must assess the administration's strategy for strengthening the Iraqi police and military, its reconstruction efforts, and its progress toward democratic elections. And it must provide an estimate—an estimate—of the number of American troops we anticipate will be in Iraq at the end of next year.

Two subsequent reports will provide updated assessments—one 6 months after the bill becomes law and the other just before the end of 2005.

This week, President Bush will travel to Ireland for a summit between the United States and the member nations of the European Union. He will also attend a NATO summit in Istanbul. We all hope he will succeed in persuading the international community to join us in a more significant way in Iraq.

Unfortunately, the likelihood of that happening—even with the transfer of sovereignty and a new UN resolution—is far from clear. At best, the administration now expects that our allies in Iraq will not withdraw any of their current troops from the coalition.

On June 7, just a day before the UN approved the resolution supporting the interim government in Iraq National Security Advisor Rice said:

> I don't expect that there will be a large infusion of more foreign forces. In fact, I think that what you will see, is that some of the countries that have had particularly difficult situations, some of our coalition partners, will find this resolution makes them capable of staying the course.

On June 10, after the G–8 Summit, President Bush said that he didn't:

> . . . expect more troops from NATO to be offered up. That's an unrealistic expectation. nobody is suggesting that.

Those were his words.

On June 13, Secretary of State Powell said the same thing:

> We're not expecting major additional contributions of troops from our NATO allies beyond the 16 nations that are already involved.

The message from the administration is loud and clear: We'll stay the course, but we don't expect any more international troops. America will continue to be the only major military presence on the ground in Iraq.

American soldiers have been bearing a grossly disproportionate share of the burden for far too long.

> No policy in Iraq can be considered effective if it fails to bring in the international community in a way that reduces the burden on our men and women in uniform, and takes the American face off the military occupation in Iraq.

As General Abizaid told the Armed Services Committee on May 19—there are not enough troops from other nations in Iraq. The ''effort needs to be not just American, but it needs to be international.''

The administration had a brilliant plan to win the war, but it had no plan to win the peace. That failure has been putting a severe strain on our military and their loved ones left behind in America.

Mr. President, 830 American soldiers have paid the ultimate price in Iraq.

More than 5,130 soldiers have been sounded.

America has nearly 90 percent of the troops on the ground, and more than 95 percent of the killed and wounded have been Americans.

The war is now costing us $4.7 billion every month.

In fact, the burden on U.S. troops has been increasing, since first Spain, then Honduras, Nicaragua, and El Salvador pulled their troops out of Iraq.

More than a quarter of the current forces in Iraq are reservists, as are nearly half the current forces in Kuwait. Eighteen percent of our active duty Army is serving in Iraq, and 16 of our 33 combat brigades are serving there.

The Army is now under a stop-loss order that prevents troops from leaving active duty while deployed to Iraq, and for another 90 days after returning to their home bases.

The average tour of duty for a reservist recalled to active duty is now 320 days—ten months. According to the Department of Defense, the average tour of duty for a reservist during the first Gulf war was 156 days. In the deployments in Bosnia, and Kosovo, it was 200 days.

An Army brigade commander recently spoke about the exasperation of our soldiers: ''A soldier just said to me, 'what happened to the volunteer force? This is a draft.' ''

Others in the military leadership have spoken out on the strain on the military.

On January 21, LTG James R. Helmly, head of the Army Reserves, discussed the effect on reservists. He said, ''the 205,000 soldier force must guard against a potential crisis in its ability to retain troops.'' He said that serious problems are being masked temporarily because reservists are barred from leaving the military.

The same day, LTG John Riggs also spoke of the strain. He said, ''I have been in the Army 39 years, and I've never seen the Army as stretched in that 39 years as I have today.''

On February 5, GEN Peter Schoomaker, the Army Chief of Staff said, ''There is no question that the Army is stressed.''

On June 2, GEN Franklin L. Hagenbeck, the Army's deputy chief of staff in charge of human resources and personnel, said that the Army is ''stretched.''

These are the cold, hard facts. They cannot be glossed over. If we continue to go it alone, the mission is impossible. The need is urgent to bring in the international community in Iraq in a major way. It may well be that only a new President in the White House will be able to persuade other nations to trust us enough to participate in the difficult and dangerous mission.

In fact, the need for international participation was abundantly clear before we went to war. As former Secretary of State James Baker wrote on August 25, 2002, ''The costs in all areas will be much greater, as will the political risks, both domestic and international, if we end up going it alone, or with only one or two other countries.''

> Last July, by the unanimous vote of 97–0, the Senate approved an amendment urging the President to consider requesting formally and expeditiously that NATO organize a force for deployment in post-war Iraq similar to the NATO forces in Afghanistan, Bosnia and Kosovo.
>
> We also asked the President to consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq, and provide resources to help rebuild and administer Iraq.

President Bush says that the administration is working with the international community. But what are the results? Are more nations sending troops, police, and resources? When will the American face be taken off the occupying force? When will Iraq be more secure? When will more American soldiers return home? How long, and how heavy will the burden be? Will the President obtain additional foreign commitments for troops and resources at the Summits with the European Union and NATO in the coming days or will he return empty-handed once again?

The American people and our soldiers serving in Iraq deserve to know the results of the administration's efforts to work with the international community.

All we are asking in this amendment is a progress report from the President on the administration's efforts to work with the international community. All we are asking is how many troops we expect to have in Iraq in coming months.

Given the high stakes, the President should provide the information. Our troops deserve it, America deserves it, and the Iraqi people deserve it.

I will mention past precedent for this proposal because we will hear from those opposed to it that we do not really have as much time as we should, 30 days after the bill is passed. We are going to be, hopefully, concluding this bill. It will take the better part of the month prior to the time we recess for the August break to be able to conclude, I expect, the conference. The President may sign that then.

The PRESIDING OFFICER. The Senator has spoken for 15 minutes.

Mr. KENNEDY. Can I get 5 more minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I understand the Senator from Vermont is eager to talk. I will conclude and come back to this, if I can have 4 more minutes to conclude.

I draw the attention of Members to the precedence in 1995; the Defense authorization bill required assessing the implication of the U.S. military readiness, the participation of ground forces in Bosnia. It had to include 11 estimates of the total number of forces required to carry out the operation, estimates of the duration of the operation, estimates of the cost, and how many Reserve units would be necessary for the operation. This was true in 1997; this was true in 1998; it was true in 1999. There are all kinds of precedents for this.

We are entitled to this information. This amendment will make sure we will be able to receive it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will say that I agree with the second-degree amendment the Senator from Massachusetts has temporarily withdrawn. Obviously it will be reoffered. The reason I agree, Congress not only has done a very poor job of oversight; with some

exceptions, the administration has taken advantage of that and made it a practice to deny oversight cooperation to Congress.

The stonewalling in the prison abuse scandal has been building to a crisis point. Today, finally, after huge pressure, the White House has released a small subset of the documents that offer glimpses into the genesis of this scandal. All should have been provided earlier to Congress. We know a lot has been held back, and remains hidden from public view.

While this is a self-serving selection on the part of the administration, it is at least a beginning, a tiny beginning, a tiny baby step. But if we want the Judiciary Committee and the Senate to find the whole truth, we will need much more cooperation and extensive hearings.

The documents released today raise more questions than they answer. I will give some examples, speaking now of the documents released today.

The White House released only 3 of the 23 documents that members of the Senate Judiciary Committee requested and tried to subpoena last week. In having released only 3 of the 23 we asked for, I point out that 2 of the 3 were already available on the Internet. Where are the other 20 documents we asked for? They have given us one that was not already on the Internet. Where are the other 20?

The White House released a Presidential memorandum dated February 7, 2002, directing that al-Qaida and Taliban detainees be treated humanely. Did the President sign any directive regarding the treatment or interrogation of detainees after February 7, 2002, more than 2 years ago? More specifically, did the President sign any directive after the United States invaded Iraq in March of 2003?

The latest document released by the White House is dated April 16th, 2003. Why is that, when many of the worst abuses that we know of occurred months later, in the fall of 2003. Why has the White House stopped with memoranda produced in April 2003?

I live on the side of a mountain in Vermont. I know that water flows downhill, but so does Government policy. Somewhere in the upper reaches of this administration a process was set in motion that seeped forward until it produced a scandal.

All of us want to put the scandal behind us, but to do that we have to know what happened. And we cannot get to the bottom of this until there is a clear picture of what happened at the top. We need to keep the pressure on until we get honesty and answers. So I will support Senator KENNEDY's second-degree amendment when it is offered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. LEAHY. Yes.

Mr. KENNEDY. Would the Senator agree with me it is time for the administration to level with the American people on this issue?

Mr. LEAHY. Mr. President, I would agree with the Senator from Massachusetts, it is time to level with the American people. We tried to subpoena these records last week. We were rebuffed on a party-line vote, with many on the other side saying: But they are going to be forthcoming. We now get 3 out of 23 documents, 2 of which were already on the Internet.

When are they going to be forthcoming? We want to understand what happened. As I said, if you are going to get to the bottom of what happened, you have to start at the top. President Bush has said he wants to get to the bottom of this. I agree with him, but I think we have to start at the top to find out what happened there. And simply prosecuting some corporals and sergeants and privates does not get to the bottom of what happened.

Mr. KENNEDY. Finally, if the Senator will yield, I remember our ranking member being at that hearing. The Attorney General was asked whether he was asserting executive privilege, and he said no. Then it was pointed out by members that there are times when the Attorney General does not have to respond because it is spelled out in statute that he does not have to respond. But that was not the case. So it is a circumstance that the Attorney General of the United States felt he would not respond to these requests on the basis of his own actions.

Would the Senator not agree with me that there is no one who is above the law in the system of jurisprudence in the United States of America? The continued unwillingness to provide these documents is certainly going to prolong the agony of the administration in terms of its willingness to cooperate with the committee. And would he not agree with me it is better to get that material here and get the instance behind us?

I remember—if the Senator will permit me to continue—I had the good opportunity to meet the new President of Iraq. I asked him about the prison scandal. I asked: What can the United States do in order to deal with this issue? He said: It is very clear. You have to complete the investigation for which your country is noted. You have to complete the review and hold those accountable who are responsible. When that happens, Iraqis will take a new look at this country.

Would the Senator not agree with me that was good guidance and good advice, and that it ought to be followed, and that it is going to be impossible to follow as long as they refuse to cooperate with the committee?

Mr. LEAHY. Mr. President, the Senator from Massachusetts is absolutely right. I also had the good fortune to meet with the new interim President of Iraq. I actually asked him a similar question, and what the Senator from Massachusetts says is absolutely so. He said: Get it all out. He spoke of making it as transparent as possible. He said: The United States has always had a reputation of being honest, of being a democratic nation, of admitting our mistakes, and, of course, of being proud of those things we have accomplished that we can be so proud of. If we want to maintain that credibility, get it all out.

The Senator from Massachusetts said that in our system, nobody is above the law. I thank God that is so, that the Founders of this country were wise enough to set in place a system where nobody—nobody—was above the law. We have demonstrated this over and over again throughout our history as a nation. Anybody who has tried to step above it, the checks and balances stop that.

What the administration can do is so easy: Answer the questions. The Attorney General refused to answer our questions. But he did not do it on the basis of any of the very limited reasons that a question might be refused—either because the information being sought is classified, which requires us to go into closed session, or because the President has asserted executive privilege, which the President did not in this case.

They have sent up 3 of the 23 items we requested. Two of the 3 items were already on the Internet. But at least we are one item forward. Let's get the rest of the information and documents up here, and then let the Senate do what it should do: Let the various committees actually ask questions and seek answers.

Mr. President, I see my good friend from Pennsylvania on the floor seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition on the pending legislation, I ask unanimous consent that I may speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. WARNER. 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. SCHUMER. 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. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I join my colleague and ranking member on the Judiciary Committee, the Senator from Vermont, as well as my colleague, the Senator from Massachusetts, in expressing support for the amendment we

will vote upon either tonight or tomorrow, and to express my displeasure that the documents that we have received are so inadequate in terms of what we have requested.

The first point I will make is, don't let anybody think that because this is a thick pile, it really has the nub of the matter. It does not.

The bottom line is that I would say that an ounce of disclosure is going to buy this White House a pound of problems. These documents raise more questions than they answer. The White House is better off coming clean and releasing all relevant and nonclassified documents.

In the Judiciary Committee, we have asked the administration for 23 specific documents as a starting point. Of the 13 the White House released today, only 3 are among those we asked for; 3 out of 23 is not a very good average. It is not even a good batting average, and we are pretty lenient there when we are above a third.

It seems painfully clear that this administration devised a strained—some would say tortured—new definition of torture. Then someone in the administration authorized the use of new ''interrogation techniques'' that would have run afoul of the old definition of torture but under the new definition were permissible.

Anybody who thinks those line soldiers at Abu Ghraib were acting on their own initiative must have his head in the sand.

It is absolutely unacceptable that the actions of a few in our military and our Government have brought shame on the 99.9 percent of our troops who serve us so honorably and well and are fighting for the freedom of the Iraqi people.

We must not compound that error by letting a few soldiers at the bottom of the line take the fall if authorities higher up gave them the green light.

This matter must be pursued no matter where it leads, no matter how high it goes. If anyone at the Cabinet level or in the White House opened the door to the kind of abuse we saw in those pictures from Abu Ghraib, it is time to own up to it.

The credibility of the administration is on the line and the release of a handful of documents simply doesn't do the job.

I will repeat that it is not enough to release a few inches of documents. The White House should publicly disclose all relevant and nonclassified documents. Relevant classified documents should be provided to the Judiciary Committee and Armed Services Committee so we can get to the bottom of this.

Mr. President, I am aware of the difficulties in these situations. We are in the post-9/11 world, a brave new world. Sometimes things do have to change and be adjusted. We don't know where the balance should be exactly. That is the difficulty. But one thing I know for sure is that there should be debate as to what methods of interrogation should be allowed and used because that deals with the fundamental balance of security and liberty, and that is the balance the Founding Fathers focused on probably more than any other. That is the balance; they wanted open debate.

So the thing I am sure of is not where you draw the line. I think anybody who says that is certainly making a mistake. Rather, the thing I am certain of is, if there is open debate and discussion between the executive and legislative branches, which is what the Founding Fathers most certainly intended, we will almost inevitably end up in these most serious and delicate matters with a very good solution.

The problem, of course, is this: The Justice Department and the Attorney General have a penchant for secrecy. They have avoided at all costs open debate and discussion. The results almost always inevitably boomerang on them, and they end up having to backtrack anyway, but in a way that doesn't do justice and do right for the people they represent and for America and the world.

So the bottom line is this: At the end of the day, if we don't know who authorized what, when it was authorized, and whether it explains why the detainees at Abu Ghraib were treated the way they were, then the job is simply not done.

I thank my colleagues from Vermont, Massachusetts, Wisconsin, and Illinois for their leadership on this issue and encourage my colleagues to support this amendment.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

AMENDMENT NO. 3400

Mr. FEINGOLD. Mr. President, first, I will call up my amendment, and I ask that it then be set aside.

Mr. WARNER. Mr. President, there is a UC in effect which indicates there will be no more amendments that will be taken up at the desk. The Senator can speak to any amendment that is pending or another matter, but as far as transactions with the Presiding Officer at this time, they are not in order.

Mr. FEINGOLD. Mr. President, I understand, and I wish to speak about an amendment that will be offered later, amendment No. 3400. It is an amendment I am cosponsoring with Senators MURRAY, DAYTON, CORZINE, DURBIN, and LAUTENBERG.

My amendment would bring a small measure of relief to the families of our brave military personnel who are being deployed for the ongoing fight against terrorism, the war in Iraq, and other missions in this country and around the world. It is actually an amendment the Senate adopted unanimously to last year's Iraq supplemental spending bill, and I hope my colleagues will join me in supporting this measure again this year.

The men and women of our Armed Forces undertake enormous sacrifices in their service to our country. They spend time away from home and from their families in different parts of the country and different parts of the world and are placed in harm's way in order to protect the American people and our way of life. We owe them a huge debt of gratitude for their dedicated service.

The ongoing deployments for the fight against terrorism and for the campaign in Iraq are turning upside down the lives of thousands of Active-Duty National Guard and Reserve personnel and their families as they seek to do their duty to their country and honor their commitments to their families, and, in the case of the Reserve components, to their employers as well. Today, there are more than 160,000 National Guard and Reserve personnel on active duty.

Some of my constituents are facing the latest in a series of activations and deployments for family members who serve our country in the military. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

Recently, many of those deployed in Iraq have had their tour extended beyond the time they had expected to stay. Sometimes this extension has played havoc with the lives of those deployed and their families. Worried mothers, fathers, spouses, and children expecting their loved ones home after more than a year of service must now wait another 3 or 4 months before their loved ones' much anticipated homecoming. The emotional toll is huge. So is the impact on a family's daily functioning, as bills still need to be paid, children need to get to school events, and sick family members have to be cared for.

Our men and women in uniform face these challenges without complaint, but we should do more to help them and their families with the many things that preparing to be deployed requires.

During the first round of mobilizations for operations in Afghanistan and Iraq, military personnel and their families were given only a couple days' notice that their units would be deployed. As a result, these dedicated men and women had only a very limited amount of time to get their lives in order. For members of the National Guard and Reserve, this included informing their employers of the deployment. I commend the many employers around the country for their understanding and support when their employees were called to active duty.

In preparation for deployment, military families often have to scramble to arrange for childcare, to pay bills, to contact their landlords or mortgage companies, and take care of other things we usually deal with on a daily basis.

The amendment I will be formally offering later today will allow eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to be able to use their Family and Medical Leave Act, FMLA, benefits for issues directly relating to or resulting from that deployment. These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as childcare.

I do not want you to just take my word for it. Here is what the National Military Family Association has to say in a letter:

> The National Military Family Association has heard from many families about the difficulty of balancing families' obligations with job requirements when a close family member is deployed. Suddenly, they are single parents, or, with the grandparents, assuming the new responsibility of caring for grandchildren. The days leading up to a deployment can be filled with predeployment briefings and putting legal affairs in order.

In that same letter, the National Military Family Association states:

> The military families, especially those of deployed servicemembers, are called upon to make extraordinary sacrifices. This amendment offers families some breathing room as they adjust to this time of separation.

Let me make sure there is no confusion now about what this amendment does and does not do. This amendment does not expand eligibility for FMLA to employees not already covered by FMLA. It does not expand FMLA eligibility to Active-duty military personnel. It simply allows those already covered by FMLA to use the benefits they already have in one additional set of circumstances, and that is to deal with issues directly related to or resulting from the deployment of a family member.

I was proud to cosponsor and vote for legislation that created the landmark Family and Medical Leave Act during the early days of my service to the people of Wisconsin as a Member of this body. This important legislation allows eligible workers to take up to 12 weeks of unpaid leave per year for the birth or adoption of a child, the placement of a foster child, to care for a newborn or newly adopted child or newly placed foster child, or to care for their own serious health condition or that of a spouse, a parent, or child. Some employers offer a portion of this time as paid leave in addition to other accrued leave, while others allow workers to use accrued vacation or sick leave for this purpose prior to going on unpaid leave.

Since its enactment in 1993, the FMLA has helped more than 35 million American workers to balance responsibilities to their families and their careers. According to the Congressional Research Service, between 2.2 million and 6.1 million people took advantage of these benefits in 1999 through 2000.

Our military families sacrifice a great deal. Active-duty families often move every couple of years due to transfers and new assignments. The 10 years since FMLA's enactment has also been a time when we as a country have relied more heavily on National Guard and Reserve personnel for more and more deployments of longer and longer duration. The growing burden on these service members' families must be addressed, and I think this amendment is one way to do so.

This legislation has the support of a number of organizations, including the Wisconsin National Guard, the Military Officers Association of America, the Enlisted Association of National Guard of the United States, the National Guard Association of the United States, the Reserve Officers Association, the National Military Family Association, and the National Partnership for Women and Families. The Military Coalition, an umbrella organization of 31 prominent military organizations, specified this legislation as one of five meriting special consideration during the Iraq supplemental debate.

We owe it to our military personnel and their families to do all we can to support them in this difficult time. I hope this amendment will bring a small measure of relief to our military families.

Mr. President, I urge my colleagues to support the amendment when we have the opportunity to vote on it. I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I rise to speak about amendment No. 3264, which I have offered. It accomplishes three important goals. First, it recognizes and honors the dedication and sacrifice of American military personnel killed and injured in combat and the heroic efforts of our medical teams through a sense of the Senate.

Secondly, it eases the stress of families who are attempting to follow the whereabouts of loved ones injured in combat by requiring the Secretary of Defense to establish a tracking system for wounded personnel.

Third, it authorizes $10 million to modernize medical combat equipment to support our medics in their fight to save lives.

Supporting my amendment tells the 5,138 military personnel who have been injured in Iraq that we care. It begins to address this harsh reality of war by providing the care soldiers and marines deserve and the resources combat medics need.

I have heard from distraught Arkansas families—I am sure many of my colleagues have heard from families in their States—who felt left in the dark after a loved one's injury because they were not given adequate details of their condition or whereabouts. Congress can alleviate that anxiety by establishing a tracking system to keep families better informed. We can also help save lives and reduce combat injuries by ensuring that our military medical teams have the equipment they need to provide critical frontline treatment. I cannot think of a better investment.

On June 14, 2004, I introduced S. 2516, the Service Act for Care and Relief Initiatives for Forces Injured in Combat Engagements Act of 2004, or, as we call it, SACRIFICE. The RECORD includes a full statement on the provisions of that bill. My amendment is almost identical to the SACRIFICE bill.

Currently, the SACRIFICE amendment has 11 cosponsors. Many Arkansans asked me about the partisan working environment in the Senate. I want to go on record stating that the SACRIFICE amendment has had bipartisan support from Senators SESSIONS, CHAMBLISS, GRAHAM of South Carolina, REED of Rhode Island, NELSON of Nebraska, NELSON of Florida, DOLE, CORNYN, COLLINS, CLINTON, and LINCOLN. The amendment also has the support of the Disabled American Veterans and the Veterans of Foreign Wars. I have been working with the cosponsors and the staff of the Senate Armed Services Committee to refine the language of the amendment.

I am deeply grateful for the support and assistance I have received from Members on both sides of the aisle. I want to specifically thank Rick DeBobes, Arun Seraphin, Gary Leeling, Judy Ansley, Dick Walsh, and Elaine McCusker for the many hours they have spent on this amendment and for their very precious and wise counsel.

I understand there may be an opportunity for the managers to accept my amendment. I appreciate that consideration. I am also hopeful that we can work out an agreement. I thank Chairman WARNER and Senator LEVIN for their consideration of this very important issue. It is an honor for me, as a freshman Senator in my first Congress, to serve under the leadership of Chairman WARNER and Senator LEVIN. Their aid in helping me address a problem my constituents are experiencing firsthand with such productive interaction amongst both parties is truly a testament to the dedication of the members and the staff of the Armed Services Committee. We owe that to their leadership, and I appreciate it very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I want to congratulate the Senator from Arkansas. He has added a new dimension to the Senate. He is someone who is thoughtful, and above all he is so concerned about the partisan contentiousness in the Senate, and he has spoken to Senator DASCHLE and me and others about the need to do something about this. I want the Senator from Arkansas to know how much we appreciate his being the good Senator that he is and being concerned about what is going on here on the Senate floor.

We have worked on this bill—I do not know, but I think this is about the 12th day. Some of those days were Mondays and Fridays, so I really do not know how many real days we have had to work on this bill, but it has been a long, tedious process to work through more than 300 amendments. We can see light at the end of the tunnel.

When the majority learned the minority was going to offer an amendment calling for the Attorney General to divulge certain information, as a result action was brought to a standstill. I have some difficulty understanding that, but I believe that on difficult amendments the majority and minority should face it and just vote on them rather than bring legislation to a standstill, but the decision has been made to not do anything on this legislation.

At first glance, I thought I did not agree with what the majority was doing, but they have done this in the past and that is what they want to do, and we just have to live with it. It has been brought to my attention, though, that a bus pulled up in front of the Senate, and now the Republican Senators are at a reception at the White House. I do not know how many of them but enough that there is nothing being done here. We are trying very hard to finish this bill and we are not doing anything because the Republican Senators are at the White House for a reception? If, in fact, we had been told that, we could certainly have had people offering amendments and have no votes during that period of time. We do that on many occasions. But I think this legislation is not turning out as well as I thought it should, which has been handled so well by the two managers of this bill.

The distinguished chairman of the committee thought I should not have offered a second-degree amendment because he thought he should have that right. Perhaps he was right. So I withdrew my amendment and we are in the position where we would be if I had not offered that amendment. That is the status of the Senate today.

But as I have said and others have said, including Senator LEAHY, that is an amendment we will need to vote on before we finish this legislation. At 6:20, the managers are going to offer all amendments that have not even been agreed upon, voted upon, or somehow that are on the list that haven't been offered. The way things are going we could end up with quite a few amendments to vote on because each of those amendments do carry with them the potential of having a second-degree amendment offered to each one of them. If we wind up with 15 amendments that haven't been offered, we could wind up with 30 votes. I hope that is not the case.

We have also been told there is a need to vote on judges. I understand the reason for that. We will have to take that into consideration over here.

My only point is after the reception is over, which should be around 5 to 6, maybe we could get back to working on this most important legislation. I think it has not accomplished what we need to accomplish here by simply bringing the Senate to a standstill this afternoon. Since the Senate picture was taken, we haven't done anything. We might just as well have stayed here and had other poses, I guess.

I hope we can work our way through this little situation we have here. We have some amendments. Senator KENNEDY's amendment, I am sure, will require a little more debate. Most of the amendments have been debated. People have come over, those who are going to offer amendments, and stated their positions.

I recognize the importance of this legislation. As we speak, in Iraq and Afghanistan we have men and women who are actually on the firing lines. I don't know how many in Iraq have been injured or killed today. We know what happens every day. We know in Baghdad there are scores of attacks by these terrorists. Iraqis are being killed every day. This bill is an important piece of legislation. I think we all need to recognize that.

Yesterday, when I was here at my desk, my BlackBerry went off. I looked at it and it was CNN breaking news, to report four American soldiers had been shot. They had been found dead, shot multiple times in the head. There were 2 other soldiers killed and 11 who had been wounded in that same action.

What we do here is extremely important. There is nothing that we do during the year more important than this Defense authorization bill. I hope we can finish it because there is no reason we should not be able to. I hope the majority will not prevent us from completing action on this bill because we have requested a vote on the Leahy amendment.

Let me read again what this amendment says. The purpose is:

> To direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States.

That is directly related to this Defense bill.

I read the purpose. The amendment says:

> The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

This is directly related to what is going on in Iraq, what is going on in Afghanistan, and other trouble spots in the world.

I hope after a very short debate we can bring this before the Senate, vote on it, and complete the other issues on this bill, some of which are contentious, some of which are not. Most of them are not. We could dispose of them in a few minutes.

But it is not as if this has nothing to do with this legislation. We on this side have been very careful. Even though we had a number of Senators who wanted to offer amendments dealing with unemployment compensation, overtime, minimum wage, and things of that nature, we decided not to put them on this bill because of the importance of this bill. But this amendment which Senator LEAHY or someone will offer at a subsequent time is directly related to this legislation.

I hope during this quiet time the staffs are able to clear a lot of amendments. That will save us a significant amount of time. The staffs of this committee are as good as any staffs we have in the Senate. I am sure if it is possible to clear those, they will be cleared.

But I hope in clearing these amendments we will get back to where we were prior to the Senate picture that was taken at 2:15.

The PRESIDING OFFICER. The Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, I rise to speak to the Reid amendment, which I understand has been formally withdrawn at this moment but certainly is the topic of consideration and discussion.

Mr. REID. And will come back.

Mr. DURBIN. It will return, according to the Senator from Nevada, for the consideration of the Senate.

That amendment by Senator REID of Nevada would require Attorney General Ashcroft to provide the Judiciary Committee with all the documents in the Justice Department's possession relating to the treatment and interrogation of detainees.

This is an extremely serious issue for America. Literally, the world is watching us and asking whether the United States will stand behind its treaty obligations in this age of terrorism.

It is clear that our enemies do not respect the rules in their relentless quest to kill Americans. The barbaric treatment of Nicholas Berg and Paul Johnson have reminded us all of that fact.

But this is what distinguishes the United States from the terrorists we fight. There are some lines we in the United States will not cross. Torture is one of them. We have said repeatedly, since the time of President Abraham Lincoln, that torture is inconsistent with the principles of liberty and the rule of law that underpins our democracy.

Two weeks ago, Attorney General Ashcroft appeared before the Senate Judiciary Committee as our Nation's chief law enforcement officer. He said on the record that the administration opposes torture and that torture is not justified or, in his words, productive. But he refused at that time to provide us with the Justice Department memos dealing with coercive interrogation tactics.

I asked him repeatedly: Attorney General Ashcroft, under what legal or constitutional basis would you deny this committee copies of these memos?

I asked him if he was asserting executive privilege on behalf of the President. He said he was not.

I asked him if he could identify any statute by which he would be absolved from his duty to respond favorably and positively to a request by the Senate Judiciary Committee for these memos, and he could not cite any statute.

At one point he said he personally believed that it was not appropriate to produce these memos. I responded by saying that, as interesting as that may be, the Attorney General's personal beliefs are not the law. It is the law which governs us.

Now, at the eleventh hour, today, in an effort to defeat the growing pressure to release these memos, the White House has provided Congress with a number of documents, including one of the Justice Department's torture memos. But a quick review of the documents provided reveals they have given us only a small part of what we have asked for. Just last week the Senate Judiciary Committee considered a request for some 23 documents of the Department of Justice related to interrogation techniques and torture. That request for subpoena was defeated in the Senate Judiciary Committee on a party-line vote, 10 to 9, all Republicans voting against disclosure of the documents, all Democrats voting in favor. We take a look at the documents produced voluntarily by the White House today and find only 3 of the 23 documents subject to the subpoena have actually been produced.

But the Justice Department's torture memo, which has been produced after it was leaked on the Internet for all to read, is a memo which we now know raises very troubling questions and completely contradicts statements made by Attorney General Ashcroft before the Judiciary Committee. It makes it clear if Congress and the Senate are to meet their obligation under the Constitution, we must ask harder questions and we must dig deeper.

In the memo, the Justice Department makes unprecedented assertions about executive power, assertions that I believe violate basic constitutional principles. The Justice Department concludes the torture statute, which makes torture a crime, does not apply to interrogations conducted under the President's Commander in Chief authority.

At the hearing 2 weeks ago before the Senate Judiciary Committee, Attorney General Ashcroft said unequivocally it was not his job to define torture. He went on to say, it is not the job of the administration to define torture. He said that is the job of Congress.

Sadly, as we take a look at this Department of Justice memo produced long before the Attorney General's testimony, we find on page 13 the following statement, and I ask listeners to reach their own conclusion as to whether what I am about to read from Attorney General Ashcroft's memo on interrogation is an attempt to define torture. I quote from the Department of Justice memo dated August 1, 2002:

> The victim must experience intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function would likely result.

How can anyone read those words and reach any other conclusion but that the Department of Justice in August of 2002 issued this memorandum defining torture. That, of course, is something the Attorney General said was not their job. He is right; it was not their job. But it was done, anyway.

They also claim torture must involve ''intense pain or suffering of the kind that is equivalent to the pain associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function will likely result.''

Ask yourself the obvious question: Why did the Department of Justice produce this memo? Who asked for it? Was it the intelligence agencies of the U.S. Government? The White House? We honestly do not know the answer to that.

If this opinion by the Attorney General's office was at the request of some other agency of Government, we should know that. We should know which agency of Government said to the Attorney General, we need an advisory opinion, we need your best guess as to how far we can go in interrogation techniques.

Although the Attorney General said to us repeatedly, the law speaks for itself—when he said that, he was referring to our laws, our Constitution, the treaties we have entered into—in fact, the Attorney General and his Department of Justice decided the law was not enough. They needed to add very graphic and specific definitions such as the one I read.

Now, of course, there is an important and underlying issue here. Under our Constitution, which we have all sworn to uphold—not only Members of Congress but members of the President's Cabinet—the President does not have the authority to choose which laws he will obey or to make his own laws. There is no wartime exception to our Constitution.

Article I, section 1 of the Constitution says all legislative powers are vested in Congress. Article II, section 3 of the Constitution says the President shall take care that the laws be faithfully executed. Article VI provides that laws made by Congress and treaties ratified by the Senate are the supreme law of the land.

Retired RADM John Hutson was a Navy judge advocate for 28 years. From 1997 to the year 2000 he was the judge advocate general, the top lawyer in the Navy. He rejects the Justice Department interpretation of torture law, saying:

> If the president's inherent authority as commander in chief trumps domestic and international law, where is the limit? If every sovereign can ignore the law, then no one is bound by it.

The Supreme Court considered a similar question related to the Justice Department position. President Truman, faced with a steel strike during the Korean war, issued an Executive order to seize and operate the Nation's steel mills. In the historic Youngstown steel case, the Court found the seizure of the steel mills was an unconstitutional infringement on Congress's lawmaking power and that it was not justified in wartime as an exercise of the President's Commander in Chief authority.

Justice Hugo Black, writing for the majority, said:

> The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times.

It seems clear the Justice Department memo was the basis for a Defense Department memo that makes very similar arguments about torture. For example, the Department of Defense memo argues the statute outlawing torture does not apply to the detention and interrogation of enemy combatants by the President pursuant to the Commander in Chief authority.

The difficult question we have to answer is this: What have these memos produced by the Department of Justice wrought? We know, now, because of the graphic illustration of the abuses at Abu Ghraib prison, that soldiers in the uniform of the United States of America performed some horrible and shameful acts for which no one has made any excuses. Even the President has said that does not represent America. What they did was clearly wrong.

The important and obvious question for all to ask as a follow-on is, Was this an incident involving the conduct of a handful of officers or did it represent a policy promulgated by this Government, supported by memoranda from

the Department of Justice and those from the Department of Defense? Therein lies the critical question.

Last week, President Bush was asked about the Justice Department torture memo and he said he did not remember if he had ever seen it; he said he issued an authorization that conformed with U.S. law and treaty obligations, and he would not say whether he would authorize the use of torture but that we should be ''comforted'' by the ''laws on the books.''

The President is correct; the law is very clear. The United States is not permitted to engage in torture or cruel, inhumane, or degrading treatment. But I am not comforted because we don't know if the administration followed the Justice Department interpretation which would allow the President to set aside these laws. We have gone too far.

We have to follow the paper trail to determine who requested the memos and what was done in response to them. We need to find out whether the legal arguments contained in these memos were used to justify the use of torture at Guantanamo, at Abu Ghraib, or any other facility controlled by the United States of America. We need to know whether the President or anyone else in this administration authorized the use of torture as defined by the Department of Justice memo.

The Senate has an obligation to the Constitution and the American people to answer these questions. The only way to do that is to obtain all of the relevant documents.

The great challenge of our age in combatting terrorism while remaining true to the principles which our country is based upon is to make certain we respect liberty and the rule of law. We must not sacrifice freedom and the rule of law at the altar of security. We must respect the freedoms protected by the Bill of Rights. Our laws must not fall silent during time of war.

I urge my colleagues to support the Reid amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, I thought I might take advantage of this moment while so many of the Republicans are at a White House reception to share a few thoughts about a bill we are obviously not going to be able to vote on today.

Sixty years ago, Franklin Roosevelt signed the GI bill. He showed us in doing so how to honor our veterans and he launched the greatest expansion of the middle class in our Nation's history. Never before has an act of legislation and the vision of and the investment by one President done so much for so many Americans.

President Roosevelt said that on the day it became law, the signing of this bill ''gave emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down.''

Today, throughout the day, the Senate has had an opportunity to make history in the spirit of Roosevelt and his commitment to the Greatest Generation. Senator DASCHLE's amendment, which he tried to bring up earlier, would take an important step toward the full mandatory funding of veterans health care. It would say to the 500,000 veterans closed out of the VA health system in the last 2 years: You are welcome. There is care for you.

In the 10th year of its enactment, it will provide care to 3 million veterans who otherwise will be shut out of the system, and it will end the practice of rationing health care for those who have already given so much to this country and who have had an expectation that health care will be there for them.

Now, last night, in the normal course of business in our Senate, I was informed by the minority leader that his amendment would proceed today and that he would, under the normal procedures of the Senate, bring it up in an effort to have an early vote. I cancelled my events and I returned here hoping to be able to vote on this important issue. There was no request for lengthy debate. There has been—I know the Senator from Virginia will agree with this—no effort to delay this bill. In fact, the minority leader has expressed every good intention to try to move forward as fast as possible on this bill.

Under the normal courtesies of an institution that runs on courtesy, normally, it is absolutely consistent with the rules and traditions of the Senate that time might be made available to a minority leader to offer an amendment and for a vote to be ordered. But, evidently, this is not a normal time for those courtesies in the life of the Senate. I regret that for the Senate and for the country and for veterans. So today we could have acted and have honored 26 million Americans who wore the uniform and provided important funding for them.

More than a decade ago, Senator DASCHLE and I worked to help veterans exposed to Agent Orange receive the recognition, the care, and the benefits they deserved. I am very happy to join him today in supporting this amendment, whenever it will come up, in whatever way I can, whether I am here or not here. I will support this effort in the days, months, and in the years ahead to provide to our veterans the resources they deserve and increasingly have been denied.

Yes, there have been increases in the veterans budget, but the test is not whether you have increased the budget, the test is whether you are meeting the need. And the need is not being met.

I am honored to stand with the veterans who are backing Senator DASCHLE's amendment. The VFW, the American Legion, AMVETS, the Paralyzed Veterans Association, Disabled American Veterans, the Blinded Veterans Association, Jewish War Veterans, the Military Order of the Purple Heart, and Vietnam Veterans of America—all of them would have loved to have seen the Senate do its business today when it could have.

That is a distinguished group of veterans. A lot of courage, a lot of honor, a lot of kindness comes from the men and women who belong to those organizations. They are Americans whose opinions and guidance I trust. And they deserve to be heard.

In this time of great sacrifice, it is even more important that we show our veterans we honor them and respect them. We have to do so with more than words. We have to show them by our actions and our deeds.

During a time of war, a time when tens of thousands of Americans are asked to fight and possibly die for their country, our message ought to be loud and clear: When you come home, your country will take care of you because you took care of us.

This is an important issue to our country, to our veterans, and to the men and women in harm's way in Iraq, Afghanistan, and around the world—today's service members who will be tomorrow's veterans.

I have been around here long enough not to worry about these kinds of things. This day will pass and others will come. But Americans will measure how we do our business, and they will measure the seriousness of purpose and the courtesies we extend to each other. So while this vote may not take place while I am here, my support will never wane and my commitment to veterans will never be diminished. I regret whatever rationale has entered into this decision that we cannot proceed for a very simple vote on a very straightforward issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER.

Mr. WARNER. Mr. President, I say to my good friend—and we have been good friends for many years—you made reference to President Roosevelt and the GI bill. With my very humble and modest naval service in the last year of World War II, I was a beneficiary of that.

But I would say to my good friend, I am proud of what our Senate has done over the past several years to assist veterans. This is another matter that is now pending and has yet to be resolved.

I see the distinguished Senator from Nevada, who has been in the forefront with colleagues on my side on the issue of concurrent receipts. Prior to that, I worked with my good friend from Michigan on TRICARE for Life. I could enunciate others.

We are about to have a vote here sometime, perhaps tonight or tomorrow. The Senator from Louisiana and the Senator from Nevada and the Senator from Maine are trying to close that gap when a retiree's widow, in most instances, reaches the eligibility for Social Security. Oftentimes there is a very significant dropoff.

So we have done a lot in this body. I know well of my old friend's career in

the Navy. I was Secretary of the Navy, as you well know, and Under Secretary at the time the decorations you earned through your valor and your courage came before the Navy Department for approval. While I do not have specific recollections—I had to deal with many during those difficult days of a very stressful and tough period in American history; and how well both of us remember that—as far as I know, I participated in some way and look with a sense of pride on approving those decorations. Whether I was Under Secretary or Secretary, it was right in that period of time. We chatted about that in years past.

But as to the events of this day, I would say this is my 26th year in the Senate, working with Senator LEVIN, and I would ask the Senator to step back. If you had the totality of the picture, the majority leader was hopeful, and we have not lost that hope, of continuing through the night and tomorrow to get our final vote on this bill. Much remains to be seen at the hour of 6:20, when we will have the opportunity to look at the amendments our colleagues still feel require their attention.

But in that context, it was at the hour of 6:20 when we would have that body of information to give us some clear indication as to what time agreements we could make with the Daschle amendment, time agreements with a number that are pending at the desk. I certainly, speaking for myself—we are not trying to preclude our colleague from his rightful duty to participate today in the affairs of the Senate in any way, but we have to move ahead with not only this bill but the appropriations bill, which is soon to follow. My understanding is, it was to be brought up immediately, assuming this bill were voted on finally tomorrow.

But then there was another impediment, as I understand, regarding debt limit and some other things—which I admit I am unfamiliar with—which then indicated to the majority leader, for whom I have great respect, Senator FRIST, who wants to operate in a sense of fairness: Was he not able, as majority leader, to guide the package of legislation, both authorization and appropriations, which he felt necessary?

So I am not suggesting the Daschle amendment could not perhaps at a later time tonight be brought up and voted on.

I say to the Senator, I recognize the tough schedule you have, but I would not want to say that I feel on this side there is any conspiracy in this area, certainly from my perspective.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. One of my good friends on the other side of the aisle is the senior Senator from Virginia, and I am a good friend with the junior Senator, too. I will say to him that I respect the position he has been put in. I have been here 20 years. I know how this place works and how it negotiates. I know exactly what the conversation was in the well of the Senate earlier.

I have no illusions about where we find ourselves now. I am not complaining. I am just here to make my statement of support. I will continue to do what I am doing because I believe we can do better by veterans in this country. I will continue to take that issue to the country over these next days.

We have an opportunity to make a choice today. If we don't, then we will continue to talk about this issue over the next months, and the American people will make a choice in November.

Mr. WARNER. Would my colleague address what is a major concern with this Senator. I say this with total humility. I am a veteran and possibly could benefit someday by what this package contains. I don't know.

Mr. KERRY. I suspect under the health care and benefit plans the Senate gives itself, the Senator won't need this.

Mr. WARNER. Well, I don't know, Senator. I am just trying to say that the Senate is looking at this in terms of its fiscal impact. This is somewhere between $200 and $300 billion.

Mr. KERRY. Mr. President, not this particular proposal.

Mr. WARNER. Well, I believe it is involved.

Mr. KERRY. Mr. President, that is if you did the full funding. This is a compromise that has been worked out which is a lesser amount of money, recognizing the significant amounts that are available.

Be that as it may, we are talking over 10 years. The last tax cut for people earning more than $200,000 a year was over $1.2 trillion. So it is a question of where the rubber meets the road. You have veterans over here who served their country who have a need for health care, and you have a lot of wealthy Americans over here who don't particularly have a need for a new tax cut. This is a place for choices. All we are asking is for a choice to be made.

I thank the Senator from Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the distinguished junior Senator from Massachusetts leaves the floor, I wish to say this, from a total Nevada perspective, how proud we are of the campaign he has been running in Nevada. The Senator from Massachusetts has run all positive ads. The people of Nevada recognize that and, as a result of that, all the polls show him ahead at this time.

I compliment the Senator. When he comes to Nevada, he is totally open to the press. Each time he comes he answers any questions that the people have to ask him. The press is there. For example, last time he was there, he not only did a press conference but he was on individual programs, Ed Bernstein's show, for example, John Alston, where he was answering any questions they had to ask him.

I compliment the Senator from Massachusetts from a Nevada perspective for the type of campaign that has been run. Positive campaigning is something that is so necessary. We have far too much negative campaigning. We need to make ourselves available to questions of the press. We should not hide ourselves from the press. Senator KERRY has not done that, which makes us in Nevada feel very good.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I looked at the cost to the American taxpayers for TRICARE for Life, and that is $3.9 billion a year. The concurrent receipts were $22 billion in the 2004 cycle. Through this administration, in veterans funding, there has been a 34-percent increase in funding for health care since 2001. Overall spending for health care has doubled since 1993. So I am not going to take second place to anyone with regard to the achievements we have had in this body by way of trying to care for our veterans. I feel very strongly about that.

My military career is very modest: service in World War II and service in Korea in the Marines. I have served with the courageous ones, the ones who lost life and limb. I am not going to take second place to anybody in my trying to work hard to support proper recognition for them and what they have achieved. I am just one of the lucky ones who had the opportunity to serve alongside these veterans and work with their families. For 5 years as Secretary of the Navy, I worked with families in that stressful period of time in Vietnam.

I feel so strongly to be a supporter of the veterans' causes, not for political reasons. Some vote for me; some don't. That is all right. The important thing is that this Nation takes them to heart, particularly at this time when, at this very moment, who knows which veteran, which service Active-Duty man in Iraq or Afghanistan, where all of us have visited those battlefields, might have his or her life taken, life or limb. I feel ever so strongly about it. Day or night they are in my mind.

I see others desiring to speak so I shall yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to make a couple comments on one of the pending amendments, the so-called Daschle amendment dealing with veterans. In many cases, this amendment is more about helping politicians than it is helping veterans. We have done a lot to help veterans—we being the Members of this body, Members of this Congress. I want to go to the facts.

Just look at history. In 1993, we were spending less than $15 billion. If you look throughout the next several years, the year 2000, it still increased only to about $17 billion, $18 billion. Since then, in the last 4 years, we have gone up from about $18 billion to now we are about $28.5 billion. So we have

had a dramatic increase in the last few years, frankly, in large part due to President Bush's requests.

Those are the facts.

If you want to gauge our support for veterans on how much money we are spending, we see a relatively flat, very slow growth during the Clinton years and a very rapid increase under President Bush's last 3 years.

Now we have an amendment that says, we know this is discretionary, as it always has been. Appropriators take care of discretionary items. As alluded to by Senator BOND, we have had big increases because we had some demands, and the appropriators and budgeteers met those demands. Now we have an amendment that says: Let's throw that away, an amendment that will increase spending by $300 billion.

It also increases the deficit by $300 billion. Some of the people who say they are in favor of this say they believe in pay-go. They make speeches: We want pay-go. But they don't pay for this amendment. So this amendment would increase the deficit by $300 billion.

Then I look at the way it is written, and it is one of the worst amendments, as far as putting something together from a fiscal standpoint, that I have ever seen. It says: Let's take the 2004 discretionary figure and freeze it; for the next 10 years we will freeze it. Then we will set up a new entitlement, not based on the number of veterans receiving care but on the number of people who are eligible to receive care. On the eligibility side, we will come up with some type of per capita contribution and figure it all out. CBO estimates over 10 years it will cost $300 billion.

We are spending a little less than $30 billion a year right now, but we are going to multiply that based on the number of people who might be eligible.

Senator WARNER is eligible but my guess is he doesn't receive all of his health care in a veterans hospital. My father-in-law is eligible but he doesn't receive his health care under veterans. A lot of people in the military served with great distinction but they don't receive their health care through the VA health care system.

I don't know who designed this new formula. This kind of amendment belongs on the budget, not on a DOD authorization bill. This is really amending the budget, saying we are going to take a discretionary item and turn it into a mandatory item, and we have decided to grab some kind of fictitious name based on the number of people eligible, not the people who are in the system, not the people who are likely to receive the care, and pluck it out of the air and say: Here is what we are going to do.

And then it also says GAO, after a couple of years, if they don't like it and think it is enough, we will set some other kind of process on automatic pilot to have Congress vote on it in the next 10 days or so. It is just a ridiculous way to fund a department or to take care of veterans.

I am all in favor of taking care of veterans. Senator WARNER alluded to the fact that we have done a lot for veterans in the last few years. You bet we have. Last year, concurrent receipts—I believe there was an amendment agreed to, and the ultimate cost was $22 billion. Senator WARNER agreed to an amendment last week to expand that almost another billion dollars. We did TRICARE for life. We did Service Members Group Life Insurance. We did expanded benefits for former POWs, auto and housing grants, and veterans buying first homes. We increased the VA home loan guarantee up to a maximum mortgage of $240,000. We did the Montgomery GI bill to assist transitioning from military to civilian, and we enacted a 52-percent increase in education benefits. I can go on and on. We have done a lot. It is expensive. So this line will continue to increase.

Then I look at this amendment. It doesn't really say anything about need. It comes up with a very awkward formula, almost like an HMO-type thing, and says, by the number of eligibles, we are going to figure out so much money and multiply it and throw it in. That will not meet veterans needs. In the appropriations process, we have committees that have hearings. What do you need? What is pressing? We vote and appropriate money. We have had a faster rate of increase in veterans care than in almost any other area in the Federal budget.

The amendment we have pending before us has a budget point of order, and appropriately so. It would increase the deficit by $300 billion over and above the budget. Maybe some people don't care about deficits. This Senator does. This amendment is not paid for. It violates pay-go. For those people who voted for pay-go, they should say this is not paid for. They make speeches in their States and say, I believe we should have pay-go. This doesn't meet that test.

At the appropriate time, I will make a budget point of order, and I hope our colleagues will sustain that. I might also note that I am keeping a record of all the budget points of order that have been made and the number of people who vote to waive those points of order. Since last year's budget was adopted, we have had amendments to increase spending and increase the debt by over $1.4 trillion. This amendment will just be a couple hundred billion dollars on top of that. We are keeping a running log.

In the last month, there was an amendment to make IDEA an entitlement. We made a budget point of order and defeated that. That would have increased the debt by $87 billion. A week or so before that, there was an amendment to expand retroactively unemployment compensation that would have increased the deficit by $9 billion. We defeated that. A week before that, there was an amendment on trade adjustment assistance, and it would have cost an additional $6 billion. None of these amendments were paid for, and we defeated them. So in the last month, I think we have had three votes that would have increased spending—i.e., the deficit—by over $100 billion. The amendment we will be voting on will increase the deficit by a couple hundred billion dollars. Again, I hope my colleagues will show a little sanity and say, let's try to really help veterans, let's not try to help politicians. Let's sustain the budget point of order on this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Delaware.

Mr. BIDEN. Will my colleague yield for a couple questions?

Mr. NICKLES. I am happy to yield.

Mr. BIDEN. Mr. President, I ask my colleague, the chairman of the Budget Committee, how big was the deficit in the budget you brought to the Senate floor, the budget you voted out of committee?

Mr. NICKLES. I would have to look at the figures. The baseline scored by OMB was 521. The baseline scored by CBO was 477. The figure we had before us in the budget resolution, I would want to check. CBO is in the process of revising that. We use CBO scoring. My guess is it would be significantly less than the 521 by OMB, and 477 by CBO, and we now expect, if we stay with the projections—i.e., the spending figures that we had assumed in the budget resolution, 821 on discretionary spending—the debts would probably be in the neighborhood of not 477 but closer to 420, in spite of the fact that I know my friend from Delaware made a speech last week saying he thought it would be 600. It would be closer to 420.

Mr. BIDEN. We are already starting off with the Senator recommending a vote for a budget that has $400 billion-plus.

Mr. NICKLES. I am not sure. I think the Senator from Delaware has the floor. I don't want him stating——

Mr. BIDEN. I ask the Senator if he wants to respond to that comment.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Mr. President, I am happy to debate my colleague, or any colleague, on the budget. We spent several days debating the budget. I am more than happy to debate it. I will tell my colleague that we basically have assumed a freeze in nondefense, non-homeland security in the budget resolution. I hope we will be able to enforce that freeze. I have been very vigilant in trying to enforce the budget.

We have made about 80 points of order to contain the growth of spending, most all of which have been sustained. There were very few votes by our colleagues on the Democrat side, with the exception of Senator MILLER, and I thank him and compliment him for that. Since we were successful in sustaining those budget points of

order, we have saved Federal spending to the tune of in excess of over $1.3 trillion. I happen to have these votes, and I happen to have a chart that shows the votes, just like this vote. CBO scores this vote—if this amendment were to be adopted—saying it would increase spending by $300 billion. It basically doubles VA. I hope we will be successful. That will be scored on the running chart I am keeping. I mentioned over $100 billion of additional spending. We defeated that in the last month using budget points of order.

I hope we will defeat this amendment, and it will save $300 billion-plus and I think make us a lot more responsive. I happen to believe we are making a serious mistake to put everything into that side of the equation.

I mentioned discretionary spending of $821 billion, which is our budget figure. We are going to be spending $2.4 trillion. Two-thirds of the budget is now entitlements. One-third is discretionary spending. I believe we would have a better control, better oversight if we would keep more in the discretionary side. This is the opposite of that effort.

I yield the floor.

Mr. BIDEN. Mr. President, I say to my friend, I didn't want to debate it. I was trying to get the facts. The facts are that, notwithstanding what he suggested he has saved by budget points of order, he brought a budget to the Senate floor that is in deficit over $400 billion.

Mr. NICKLES. Will the Senator yield?

Mr. BIDEN. Surely.

Mr. NICKLES. To inform my colleague, the budget also would reduce the deficit by half in 3 years. That is not easily done when you have a $400 billion deficit. So please keep that in mind as well.

Mr. BIDEN. Again, I am not here to debate this. The facts are that he brought a budget to the floor of the Senate that is over $430 billion, and some believe it is over $500 billion in deficits. I agree with my friend that we should be careful about putting in entitlements. Entitlements, in a sense, if you think about the effect on the budget—I know the Presiding Officer is a former Governor—there are two types of expenditures: direct expenditures and tax expenditures.

My friend also wants to essentially, in layman's terms, make an entitlement of the tax cuts; in other words, make them permanent. They do not want to make permanent the ability of veterans to have what this amendment calls for. I understand that. It is a logical argument. I do not begrudge that. I think it is an intelligent argument to make.

I want to point out this is about values and priorities. If you want to know what a country values, if you want to know what a company values, if you want to know what a nonprofit values, look at its budget, and you will know. You will know what it values, on what it puts the highest value.

I can understand one can make the argument, and there is truth to the argument, that tax cuts spur the economy, everything gets better, and it works out better. I got all that. Believe it or not, after 30 years here, I figured that out, and there is some truth to it. Really, this is a values debate, not wanting to put something permanently into the law that is an entitlement in the case of what veterans now and in the future would be entitled to. It is not a lot different fundamentally in its effect on the actual budget, the numbers in the budget, than essentially making permanent tax cuts from now infinitum. And they are big numbers.

Again, the disagreement is real, genuine, and intellectually is defensible, but it is a difference of perspective. The reason the Senator from Delaware comes to the floor, very seldom my colleagues will notice, is that in this case, when you think about a budget that I voted against—I do not support the budget, I do not support the priorities within the budget by the Budget Committee—to turn around and say that when I vote not to sustain a point of order that somehow I am the one increasing the budget, it is a little bit like my saying to you: Here is the deal. What we are going to do in the family, we are going to have one car, drive it 22 miles a week, and not drive it any further than that. We are not going to turn the thermostat up over 60 degrees. And, by the way, we are going to build a new swimming pool in the backyard.

If I do not get a vote on that—it seems to me when I come along and say we should be able to drive the car to church more often because the kids are not going to church because the church is 14 miles away, we should have more money for gas in the car, we should not have built the swimming pool—we do not get a chance to do that.

I get a budget, which is legitimate, shoved on me because you guys run the show, the Republicans run the show. I got that. I understand it. I do not complain about that. More people voted for Republican Senators than Democratic Senators. But the idea that somehow when I suggest we should have a different priority and seek to change the budget I am busting the budget when, in fact, what has happened is the priorities that the chairman of the Budget Committee has placed in the budget—and very successfully, and he has led that committee very successfully and he has led it unanimously; there are no diversions on his side from what he proposes—is a little bit disingenuous in terms of the average person listening to this.

It is as if I have to accept we are building a swimming pool instead of providing more gas in the car to get the kids to church. So I want to get more gas in the car to get the kids in church. I do not want to build a swimming pool. I do not want to do that.

The only vehicle I have as a Senator is to vote for changing the budget that I do not want. What these are attached to is we say: What you put down in the budget, these tax cuts and the way they work and you are seeking to make them permanent, all those things, they are not my priorities. So the way I want to pay for that is I do not want to build a swimming pool.

Now, you have built a swimming pool, but what I do not want to do is keep it open because it costs me a lot of money to keep it open. The money I can save by not filling the pool, not having a pool service come, not having to buy the chlorine, not having to buy the equipment is enough money for me to get the gas to get the kids to church on Sunday. That is what I want to do. That is what I am doing here.

The fact is, the difference between 1993 and now is we are at war. My friend will say a lot of veterans who are going to benefit from this proposal are ones who are not at war now. One of the things we are trying to do in an All-Volunteer Army is make it more appealing for people to get into the service, to stay in the service, so that, in fact, when they volunteer to get in this Army, there are benefits that flow from it. They make enough sacrifices already in this Volunteer Army.

We had trouble getting money early for bulletproof vests for these guys. I was just in Iraq, and I met a young man in Kuwait. Our generals introduced him to us. We had dinner, and they said: These are the heroes; these are the kids who drive the transport trucks from Kuwait City all the way up to Baghdad. Do my colleagues know what they are doing because we have not provided them what they need? They have been given the authority to augment their vehicles any way they want. I was joking with them. A lot of them are becoming spot welders. They are literally getting scrap metal and welding it to their vehicles. They are given the authority to do what they want because they are getting shot dead.

We were out there, and these kids were on this incredibly dangerous mission. We said: Do the mission, but we realize you have to improvise.

So they are telling me: I got this piece of steel, and I put it on my side door and welded it on. What I wanted to do was get some underneath so that when the bombs blow up, they don't blow through the seat. It is amazing.

My point is, we are asking these kids to do all this. Right now in category 7 and 8, there are 400,000 veterans seeking VA help who are told: Don't apply. To the best of my knowledge—I do not claim to have a real expertise in this area—but there are 90,000 veterans under the present system waiting for admission to get into veterans hospitals, and there are 40,000 who wait 2 to 6 months just to get a doctor to sign off on them qualifying to get prescriptions from their local VA hospital at the lower price.

Whether or not this proposal that has been put forward is the answer to any of this, I cannot guarantee, but there is

something wrong in Denmark. Something is wrong here. Something is not working. If you wonder if I am telling the truth, go home and ask your Democratic- or Republican-registered veterans. Ask them if they are happy with the way things are working right now. Find out how many of those 400,000 people are told do not apply, and 90,000 are trying to get into the hospital.

Again, I acknowledge, based on the fact we decided to build a swimming pool in this budget instead of doing this, this will increase the deficit. I got it. Just like the administration budget initially proposed did not even include money for Iraq. Does anybody think $25 billion is going to get us through next year in Iraq? Raise your hand. Come to the floor and tell me. Anybody. I want you to stand here and go on record and say: I believe that $25 billion is going to cover the nut in Iraq and Afghanistan for next year.

Let's get a little truth in budgeting here. I understand the Senator. I got it. I respect him. He has made a basic value judgment. He believes very strongly—and there is some evidence for his belief—that if, in fact, we have these massive tax cuts, the bulk of which go to the wealthiest, it will, in fact, trickle down. He will argue—and there is some evidence to it—that some of it has already started to happen, and the best way to help veterans, poor folks, IDEA folks, and all those folks is get the economy roaring. That will bring in more revenue. I got it. That is a legitimate argument. But the basic fundamental argument we have is the die are not even cast. The table has been set, and I either sit down and sup at the table when I do not like the menu and refrain from trying to change the menu, or I attempt to change the menu.

So this notion that the VA health care system is in good shape, that we have done so much for veterans—which we have done more—we are creating a whole heck of a lot more veterans now, a whole heck of a lot more, and the need is going to increase more because we are at war and we are likely to be at war for a while.

Again, I do not want to belabor the point. I respect my friend, the chairman of the Budget Committee. I respect the fact he has little choice but to ask us to vote for a budget that is already, by his standards, $435 billion or so out of whack. I respect that.

I respect the fact that he believes, notwithstanding the fact that his own outfit points out a significant portion of that deficit last year and this year relates to the tax cuts, we will earn it all back; we will be able to cut the deficit because of the economic growth and all of that. I have that. But I have also been through this once before. I went through this once before in the Reagan era. It did not work then. Reagan came back and raised taxes. I do not think it is going to work now.

I will yield the floor with one final comment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. Was there a time? There is a time. Well, I respect that, and I thank my friend from Oklahoma. We just have a difference in our priorities and the way in which we value our value system.

I thank the Chair.

The PRESIDING OFFICER. The hour being 6:20, the managers are recognized.

Mr. WARNER. Mr. President, on our side we have taken about 40 amendments from our list, I say to my good friend from Michigan, and of the 40, roughly 19 of them are being prepared to be put in a package for the Senator from Virginia to forward to the desk in accordance with the UC. I say almost all of them, except one or two, we have been working on with the Senator's staff, and we have modified the amendments to conform with what we believe will be acceptable on the Senator's side. So as I send my package to the desk, they will be in a modified form. Logistically, I simply need the time in which to do the modification, and I presume the Senator from Michigan would desire to do pretty much the same thing.

Mr. LEVIN. Before we accept modifications, however, we would have to look at the modifications. They may be fine, by the way, but we need to look at them.

Mr. WARNER. Mr. President, all the modifications are somewhere within the Senator's system. The Senator from Michigan is on notice as to what they are. The corollary situation is we have been notified as to a lot of their modifications. So I say most respectfully to my two colleagues on the other side, if we could put in a quorum call we could quickly resolve the status of the modifications on our side, and to the extent the Senator has knowledge of the status of the modifications on his side, reciprocally what we understand——

Mr. REID. Will the Senator withhold?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to the distinguished leader, the chairman of the committee, 6:30 is coming. I ask unanimous consent that the quorum call go into effect and that the two managers of the bill still have 10 minutes to offer these amendments when the quorum call is called off.

Mr. NICKLES. Reserving the right to object, I wish to speak for a few minutes. I did not complete my remarks in the last debate.

Mr. WARNER. I say to my colleague, he has the right to object, but we really are trying to structure this.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. I am wondering if it would be agreeable to the two managers of the bill that the 6:20 time will now become 6:40?

Mr. WARNER. I think that is an excellent idea. We can make it 6:45.

Mr. LEVIN. More than agreeable.

Mr. WARNER. Would the Senator from Oklahoma need 10 minutes to finish his remarks in the intervening period?

Mr. NICKLES. Five minutes will be fine.

Mr. WARNER. At which time the Senator will put in a quorum.

Mr. NICKLES. That would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I enjoyed having a little colloquy with my very good friend, Senator BIDEN. I just want to put in the RECORD a couple of facts. One, the deficit under the budget resolution we had estimated is $474 billion. I believe it will come in significantly less than that, possibly $420 billion to $440 billion. I am not sure. The budget resolution was for 2005, and that figure is $367 billion, considerably less than what OMB was estimating this year at $521 billion or CBO at $477 billion. So the budget resolution shows over $100 billion in deficit reduction by 2005, and also $255 billion in 2006. So it goes down by over $100 billion in over 2 years. That cannot be done unless there is some constraint on the growth of spending.

That being said, we had significant assumptions for growth in VA. Total spending in 2004 for VA was growing from $61.45 billion in budget authority to $70.8 billion, about a 15-percent increase just in 2004 to 2005 in VA. Now, that is a lot, especially when one assumes or if one knows that we are basically going with a freeze in nondefense spending. That means other things have to be cut to make room for veterans. We have done that in our budget, and we have shown probably a greater percentage increase in veterans care than almost any other section of the budget.

So I wanted to state for the record, when I heard my friend saying—last week I think he said it was $600 billion, and I said I think it is going to be more like $420 billion. In the budget resolution for 2004, we estimated $474 billion. I believe it will be much less than that. For 2005, we were assuming $367 billion. I hope it will be less than that. For 2006, it will be $255 billion, with revenues coming in now greater than anticipated because the economy is working and because the tax cuts we passed did stimulate the economy. The stock market and the NASDAQ are up 40 or 50 percent since the tax bill we passed last year and the tax cuts.

I heard my colleague say it is because we want tax cuts for the wealthy. The only tax cuts we assumed in the budget resolution were extending what I call family friendly tax cuts: the tax credit per child staying at $1,000 per child instead of going to $700; marriage penalty relief, so married couples who have taxable income up to $58,000 will pay a 15-percent rate instead of a 25-

percent rate; and an expansion of the 10-percent bracket. Those are all family friendly. A lot of veterans want those tax cuts, too.

There are a lot of allusions to, we really need higher taxes so we can spend more for veterans. Veterans want these tax cuts. A lot of veterans have children. A lot of veterans are married and want to eliminate the marriage penalty, at least if they have incomes up to $58,000. That is where the bulk of the tax cuts we are trying to pass this year are. That is what we assumed in the budget.

So I wanted to make those few points. We hope to get the deficit down. I believe if we pass the budget, or if we adhere to the discipline we recommended in the budget, we will have the deficit down by over $100 billion. We will not if we adopt amendments that call for this program to double or another program to double and call it all an entitlement. That is a great way to have runaway spending.

This amendment is very irresponsible, and I would urge my colleagues to vote to sustain the budget point of order.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3433, 3179, 3239, 3429, 3220, 3319, 3293, 3198, 3431, 3373, 3403, 3325, 3280, 3441, 3442, 3443, 3444, AND 3445, EN BLOC

Mr. WARNER. I ask unanimous consent to authorize the managers of the bill to offer en bloc amendments from the filed list on my side of the aisle. I send to the desk a list of 22 such amendments out of some 40 that we have designated as being filed by Republican Senators, just slightly over half. I note the unanimous consent provides an exception for the managers' amendment which has to be cleared on both sides.

The PRESIDING OFFICER. The amendments are now pending. The Senator from Michigan.

AMENDMENTS NOS. 3157, 3378, 3367, 3423, 3286, 3204, 3303, 3327, 3328, 3329, 3330, 3203, 3311, 3310, 3400, 3399, 3365, 3300, 3388, 3336, 3337, 3339, 3201, 3377, 3289, 3234, 3264, 3355, 3351, AND 3242, EN BLOC

Mr. LEVIN. In accordance with the terms of the unanimous consent agreement, I call up the amendments contained in the list that I now send to the desk and ask they appear separately in the RECORD, that the reading of the amendments be waived. There are 31 amendments here out of a list of 77.

The PRESIDING OFFICER. The amendments are now pending.

(The amendments are printed in the RECORD under ''Text of Amendments.'')

Mr. LEVIN. Mr. President, I have been informed that the last item on this list, item No. 3242, may have already been agreed to, which in this case if it has already been agreed to, I ask it be deleted from the list.

The PRESIDING OFFICER. It will be deleted from the list.

Mr. LEVIN. Under that circumstance.

And I ask these be ruled to be pending amendments.

The PRESIDING OFFICER. They are pending amendments.

Mr. WARNER. That is provided for by the unanimous consent request; am I not correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. The amendments of the Senator from Virginia are pending at the time the Senator from Michigan sent his list.

The PRESIDING OFFICER. Correct.

Mr. LEVIN. Well, if the Senator from Virginia would yield, the only reason I made reference to that is that the Senator from Virginia had made reference to that fact, or that the Presiding Officer more accurately said the amendments of the Senator from Virginia were now pending. I just wanted the same ruling.

Mr. WARNER. That is fine.

In addressing my colleague from Michigan, I speak to the Senate in its entirety, if you will give the managers of the bill a period of time to look through this, we might be able to quickly advise the Senate as to those we think we can accept. They will require some modification because in the procedure each side has voiced its own suggestions as to how they will be modified and shortly after we indicate to the Senate those amendments which we require would require more debate and possibly a recorded vote.

Mr. LEVIN. Mr. President, if the Senator will yield, I fully agree with his proposed course of action. I am wondering if he might suggest what that period of time might be.

Mr. WARNER. Mr. President, I would like to think a 30-minute time period, so about 7:20. I can ask for a quorum call until such time.

Mr. LEVIN. That would be fine with us.

Mr. WARNER. We will be able to advise the Senate as to the status of it.

The PRESIDING OFFICER. The assistant Democratic leader.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:20 this evening.

There being no objection, the Senate, at 6:51 p.m., recessed until 7:20 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Resumed

Mr. WARNER. Mr. President, I realize colleagues are perplexed over the lapse of time here, and I assure you, we are working very hard on this bill. I am going to first thank the staffs on both sides, and indeed our staff before us in the Parliamentary group, for working to make it possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENTS NOS. 3329, AS MODIFIED; 3433, AS MODIFIED; 3234, AS MODIFIED; 3471; 3289, AS MODIFIED; 3179, AS MODIFIED; 3351, AS MODIFIED; 3239, AS MODIFIED; 3264; 3157, AS MODIFIED; 3429; 3327, AS MODIFIED; 3431, AS MODIFIED; 3337, AS MODIFIED; 3430; 3367; 3198, AS MODIFIED; 3365, AS MODIFIED; 3293; 3399, AS MODIFIED; 3325, AS MODIFIED; 3204, AS MODIFIED; 3441, AS MODIFIED; 3333, AS MODIFIED; 3319; 3339; 3371, AS MODIFIED; AND 3438, AS MODIFIED, EN BLOC

Mr. WARNER. I would like now to send a package of 26 cleared amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3329, AS MODIFIED

On page 48, between lines 7 and 8, insert the following:

SEC. 326. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR IMPROVED PREVENTION OF LEISHMANIASIS.

(a) INCREASE IN AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 303(a)(2) for the Defense Health Program for research, development, test, and evaluation is hereby increased by $500,000, with the amount of the increase to be available for purposes relating to Leishmaniasis Diagnostics Laboratory.

(b) INCREASE IN AMOUNT FOR RDT&E, ARMY FOR LEISHMANIASIS TOPICAL TREATMENT.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army, as increased by subsection (b), is hereby further increased by $4,500,000, with the amount of the increase to be available in Program Element PE 0604807A for purposes relating to Leishmaniasis Topical Treatment.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3433, AS MODIFIED

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	$5,500,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$452,023,000''.

On page 314, line 3, insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''Funds''.

On page 314, line 7, strike ''$2,487,824,000'' and insert ''$2,493,324,000''.

On page 314, line 10, strike ''$446,523,000'' and insert ''$452,023,000''.

On page 315, between lines 3 and 4, insert the following:

(b) OFFSET FOR CERTAIN MILITARY CONSTRUCTION PROJECT.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,500,000, with the amount of the reduction to be derived from excess amounts authorized for military personnel of the Air Force.

AMENDMENT NO. 3234, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 313. FAMILY READINESS PROGRAM OF THE NATIONAL GUARD.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $10,000,000 for the Family Readiness Program of the National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $10,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3471

(Purpose: To increase the amount for RDT&E, Defense-Wide, to provide for joint threat warning system maritime variants, and to provide an offset)

On page 30, between lines 14 and 15, insert the following:

SEC. 216. SPIRAL DEVELOPMENT OF JOINT THREAT WARNING SYSTEM MARITIME VARIANTS.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 201(4) is hereby increased by $2,000,000, with the amount of the increase to be available in the program element PE 1160405BB for joint threat warning system maritime variants.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3289, AS MODIFIED

On page 39, between lines 7 and 8, insert the following:

SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUNSELING AND REFERRAL HOTLINE.

(a) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNT.—The amount authorized to be appropriated under section 301(5) is hereby increased by $5,000,000, which shall be available (in addition to other amounts available under this Act for the same purpose) only for the Department of Defense One Source counseling and referral hotline.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3179, AS MODIFIED

On page 30, between lines 14 and 15, insert the following:

SEC. 217. ADVANCED FERRITE ANTENNA.

(a) AMOUNT FOR DEVELOPMENT AND TESTING.—Of the amount authorized to be appropriated under section 201(2), $3,000,000 may be available for development and testing of the Advanced Ferrite Antenna.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $3,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3351, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 217. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPERATING SUBMARINES.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 may be available for Program Element PE 0604503N for the design, development, and testing of a prototype littoral array system for operating submarines.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3239, AS MODIFIED

On page 19, between lines 19 and 20, insert the following:

SEC. 113. COMMAND-AND-CONTROL VEHICLES OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.

(a) INCREASED AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES.—The amount authorized to be appropriated under section 101(3) is hereby increased by $5,000,000.

(b) AMOUNT FOR COMMAND-AND-CONTROL VEHICLES OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.—Of the amount authorized to be appropriated under section 101(3), $5,000,000 may be used for the procurement of command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3264

(Purpose: To recognize the sacrifices of the members of the Armed Forces who are injured in combat)

At the end of subtitle G of title III, add the following:

SEC. 364. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.

(a) FINDINGS.—The Senate makes the following findings:

(1) Members of the Armed Forces of the United States place themselves in harm's way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate SACRIFICE of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to honor the SACRIFICE of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) PROCEDURES FOR TRACKING OF WOUNDED FROM COMBAT ZONES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations procedures for the Department of Defense to—

(A) notify the family of each member of the Armed Forces who is injured in a combat zone regarding such injury; and

(B) provide the family of each such member of the Armed Forces with information on any change of status, including health or location, of such member during the transportation of such member to a treatment destination.

(2) The Secretary shall transmit to Congress a copy of the procedures prescribed under paragraph (1).

(d) MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, $10,000,000 of the amount in Program Element PE 0603826D8Z shall be available for medical equipment and combat casualty care technologies.

AMENDMENT NO. 3157, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 217. ADVANCED MANUFACTURING TECHNOLOGIES AND RADIATION CASUALTY RESEARCH.

(a) ADDITIONAL AMOUNT FOR ADVANCED MANUFACTURING STRATEGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, the amount available for Advanced Manufacturing Technologies (PE 0708011S) is hereby increased by $2,000,000.

(b) AMOUNT FOR RADIATION CASUALTY RESEARCH.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, $3,000,000 may be available for Radiation Casualty Research (PE 0603002D8Z).

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3429

(Purpose: To provide exceptions to the bilateral agreement requirement for transfers of defense items to the United Kingdom and Australia)

On page 272, between the matter following line 18 and line 19, insert the following:

SEC. 1055. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

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

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) DEFENSE ITEMS.—The term ''defense items'' has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

''(A) AUSTRALIA.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

''(B) UNITED KINGDOM.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking ''A bilateral agreement'' and inserting ''Except as provided in paragraph (4), a bilateral agreement''.

(d) CERTIFICATIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) REPORT ON CONSULTATION ISSUES.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) SPECIAL NOTIFICATIONS.—

(1) REQUIRED NOTIFICATIONS.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) CONTENT.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

AMENDMENT NO. 3327, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL AND GROUND VEHICLES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for one or more national centers of excellence for unmanned aerial and ground vehicles.

(b) GOAL OF CENTERS.—The goal of the centers covered by the report is to promote interservice cooperation and coordination in the following areas:

(1) Development of joint doctrine for the organization, training, and use of unmanned aerial and ground vehicles.

(2) Joint research, development, test, and evaluation, and joint procurement of unmanned aerial and ground vehicles.

(3) Identification and coordination, in conjunction with the private sector and academia, of the future development of unmanned aerial and ground vehicles.

(4) Monitoring of the development and utilization of unmanned aerial and ground vehicles in other nations for both military and non-military purposes.

(5) The providing of joint training and professional development opportunities in the use and operation of unmanned aerial and ground vehicles to military personnel of all ranks and levels of responsibility.

(c) REPORT REQUIREMENTS.—The report shall include, at a minimum, the following:

(1) A list of facilities where the Defense Department currently conducts or plans to conduct research, development, and testing activities on unmanned aerial and ground vehicles.

(2) A list of facilities where the Department of Defense currently deploys or has committed to deploying unmanned aerial or ground vehicles.

(3) The extent to which existing facilities described in paragraphs (1) and (2) have sufficient unused capacity and expertise to research, develop, test, and deploy the current and next generations of unmanned aerial and ground vehicles and to provide for the development of doctrine on the use and training of operators of such vehicles.

(4) The extent to which efficiencies on research, development, testing, and deployment of existing or future unmanned aerial and ground vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial and ground vehicles.

(5) A list of potential locations for national centers of excellence.

(d) CONSIDERATIONS.—In determining the potential locations for the national centers of excellence under this section, the Secretary of Defense shall take into consideration existing Air Force facilities that have—

(1) a workforce of skilled personnel;

(2) existing capacity of runways and other facilities to accommodate the research, testing, and deployment of current and future unmanned aerial vehicles; and

(3) minimal restrictions on the research, development, and testing of unmanned aerial vehicles resulting from proximity to large population centers or airspace heavily utilized by commercial flights.

AMENDMENT NO. 3431, AS MODIFIED

On page 243, after the matter following line 18, insert the following:

SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12) and the OLIVER HAZARD PERRY class guided missile frigate USS SIDES (FFG 14).

(b) AUTHORITY TO TRANSFER BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.— The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

AMENDMENT NO. 3337, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including non-lethal weapons and munitions, items classified under special access procedures, and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

(i) the employment of close air support; and

(ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support to and from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The readiness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom, including an assessment of the success of the reserve component forces in accomplishing their missions.

(L) The adequacy of intelligence support during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) A description of the coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq, including an assessment of the effectiveness of such efforts.

(O) The adequacy of training for military units once deployed to the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(P) An estimate of the funding required to return or replace equipment used to date in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition.

(Q) A description of military civil affairs and reconstruction efforts, including through the Commanders Emergency Response Program, and an assessment of the effectiveness of such efforts and programs.

(R) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(S) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(T) The planning for and implementation of morale, welfare, and recreation programs for deployed forces and support to dependents, including rest and recuperation programs and personal communication benefits such as telephone, mail, and email services, including an assessment of the effectiveness of such programs.

(U) An analysis of force rotation plans, including individual personnel and unit rotations, differing deployment lengths, and in-theater equipment repair and leave behinds.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM DEFINED.—In this section, the term ''post-major combat operations phase of Operation Iraqi Freedom'' means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

AMENDMENT NO. 3430

(Purpose: To improve authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REQUIREMENTS FOR CONTRACTS FOR LEASING OF HOUSING.—Section 2874 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

''(b) CONTRACT TERMS.—Any contract for the lease of housing units under subsection (a) shall include the following provisions:

''(1) That the obligation of the United States to make payments under such contract in any fiscal year shall be subject to appropriations being available for such fiscal year and specifically for the project covered by such contract.

''(2) A commitment to obligate the necessary amount for a fiscal year covered by such contract when and to the extent that funds are appropriated for the project covered by such contract.

''(3) That the commitment described in paragraph (2) does not constitute an obligation of the United States.''.

(b) INVESTMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—Section 2875(a) of such title is amended by inserting '', subject to the availability of appropriations for such purpose,'' after ''may''.

(c) REPEAL OF CERTAIN AUTHORITIES.—

(1) RENTAL GUARANTEES.—Section 2876 of such title is repealed.

(2) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is repealed.

(3) ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO HOUSING UNITS.—Section 2882 of such title is repealed.

(d) INCREASE IN AMOUNT OF BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING.—Section 2883(g)(1) of such title is amended by striking ''$850,000,000'' and inserting ''$850,000,001''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the items relating to sections 2876, 2877, and 2882.

AMENDMENT NO. 3367

(Purpose: To amend title 10, United States Code, to exempt abortions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds)

On page 147, after line 21, add the following:

SEC. ___. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: '' or in a case in which the pregnancy is the result of an act of rape or incest''.

AMENDMENT NO. 3198, AS MODIFIED

On page 269, line 20, strike ''$150,000,000'' and insert ''$250,000,000''.

AMENDMENT NO. 3365, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1068. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) PROGRAM AUTHORIZED.—The Director of the National Security Agency may carry out a pilot program on cryptologic service training for the intelligence community.

(b) OBJECTIVE OF PROGRAM.—The objective of the pilot program is to increase the number of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) PROGRAM SCOPE.—The pilot program shall be national in scope.

(d) PROGRAM PARTICIPANTS.—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual who receives financial assistance under the pilot program shall perform one year of obligated service with the National Security Agency, or another element of the intelligence community approved by the Director, for each academic year for which such individual receives such financial assistance upon such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) PROGRAM MANAGEMENT.—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analysts or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) DURATION OF PROGRAM.—(1) The Director shall terminate the pilot program not later than six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

AMENDMENT NO. 3293

(Purpose: To require a GAO analysis of the potential for using transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense)

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL ANALYSIS OF USE OF TRANSITIONAL BENEFIT CORPORATIONS IN CONNECTION WITH COMPETITIVE SOURCING OF PERFORMANCE OF DEPARTMENT OF DEFENSE ACTIVITIES AND FUNCTIONS.

(a) REQUIREMENT FOR ANALYSIS.—Not later than February 1, 2005, the Comptroller General shall submit to Congress an analysis of the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

(b) SPECIFIC ISSUES.—The analysis under this section shall—

(1) address the capabilities of transitional benefit corporations—

(A) to preserve human capital and surge capability;

(B) to promote economic development and job creation;

(C) to generate cost savings; and

(D) to generate efficiencies that are comparable to or exceed the efficiencies that result from competitive sourcing carried out by the Department of Defense under the procedures applicable to competitive sourcing by the Department of Defense; and

(2) identify areas within the Department of Defense in which transitional benefit corporations could be used to add value, reduce costs, and provide opportunities for beneficial use of employees and other resources that are displaced by competitive sourcing of the performance of activities and functions of the Department of Defense.

(d) TRANSITIONAL BENEFIT CORPORATION DEFINED.—In this section, the term ''transitional benefit corporation'' means a corporation that facilitates the transfer of designated (usually underutilized) real estate, equipment, intellectual property, or other assets of the United States to the private sector in a process that enables employees of the United States in positions associated with the use of such assets to retain eligibility for Federal employee benefits and to continue to accrue those benefits.

AMENDMENT NO. 3399, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL STUDY OF PROGRAMS OF TRANSITION ASSISTANCE FOR PERSONNEL SEPARATING FROM THE ARMED FORCES.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the programs of the Department of Defense and other departments and agencies of the Federal Government under which transition assistance is provided to personnel who are separating from active duty service in the Armed Forces.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(1) Regarding the transition assistance programs under section 1142 and 1144 of title 10, United States Code—

(A) an analysis of the extent to which such programs are meeting the current needs of members of the Armed Forces as such personnel are discharged or released from active duty, including—

(i) a discussion of the original purposes of the programs;

(ii) a discussion of how the programs are currently being administered in relationship to those purposes; and

(iii) an assessment of whether the programs are adequate to meet the current needs of members of the reserve components, including the National Guard; and

(B) any recommendations that the Comptroller General considers appropriate for improving such programs, including any recommendation regarding whether participation by members of the Armed Forces in such programs should be required.

(2) An analysis of the differences, if any, among the Armed Forces and among the

commands of military installations of the Armed Forces regarding how transition assistance is being provided under the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate—

(A) to achieve uniformity in the provision of assistance under such programs; and

(B) to ensure that the transition assistance is provided under such programs to members of the Armed Forces who are being separated at medical facilities of the uniformed services or Department of Veterans Affairs medical centers and to Armed Forces personnel on a temporary disability retired list under section 1202 or 1205 of title 10, United States Code.

(3) An analysis of the relationship of Department of Defense transition assistance programs to the transition assistance programs of the Department of Veterans Affairs and the Department of Labor, including the relationship of the benefits delivery at discharge program carried out jointly by the Department of Defense and the Department of Veterans Affairs to the other transition assistance programs.

(4) The rates of participation of Armed Forces personnel in the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate to increase such participation rates, including any revisions of such programs that could result in increased participation.

(5) An assessment of whether the transition assistance information provided to Armed Forces personnel omits transition information that would be beneficial to such personnel, including an assessment of the extent to which information is provided under the transition assistance programs regarding participation in Federal Government procurement opportunities available at prime contract and subcontract levels to veterans with service-connected disabilities and other veterans, together with any recommendations that the Comptroller General considers appropriate regarding additional information that should be provided and any other recommendations that the Comptroller General considers appropriate for enhancing the provision of counseling on such procurement opportunities.

(6) An assessment of the extent to which representatives of military service organizations and veterans' service organizations are afforded opportunities to participate, and do participate, in preseparation briefings under transition assistance programs, together with any recommendations that the Comptroller General considers appropriate regarding how representatives of such organizations could better be used to disseminate transition assistance information and provide preseparation counseling to Armed Forces personnel, including personnel of the reserve components who are being released from active duty for continuation of service in the reserve components.

(7) An analysis of the use of post-deployment and predischarge health screenings, together with any recommendations that the Comptroller General considers appropriate regarding whether and how to integrate the health screening process and the transition assistance programs into a single, coordinated preseparation program for Armed Forces personnel being discharged or released from active duty.

(8) An analysis of the processes of the Armed Forces for conducting physical examinations of members of the Armed Forces in connection with discharge and release from active duty, including—

(A) how post-deployment questionnaires are used;

(B) the extent to which Armed Forces personnel waive the physical examinations; and

(C) how, and the extent to which, Armed Forces personnel are referred for followup health care.

(9) A discussion of the current process by which mental health screenings are conducted, followup mental health care is provided for, and services are provided in cases of post-traumatic stress disorder and related conditions for members of the Armed Forces in connection with discharge and release from active duty, together with—

(A) for each of the Armed Forces, the programs that are in place to identify and treat cases of post-traumatic stress disorder and related conditions; and

(B) for persons returning from deployments in connection with Operation Enduring Freedom and Operation Iraqi Freedom—

(i) the number of persons treated as a result of such screenings; and

(ii) the types of interventions.

(c) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Defense and the Secretaries of the military departments.

(2) The Secretary of Veterans Affairs.

(3) The Secretary of Labor.

(4) Armed Forces personnel who have received transition assistance under the programs covered by the study and Armed Forces personnel who have declined to accept transition assistance offered under such programs.

(5) Representatives of military service organizations and representatives of veterans' service organizations.

(6) Persons having expertise in health care (including mental health care) provided under the Defense Health Program, including Department of Defense personnel, Department of Veterans Affairs personnel, and persons in the private sector.

SEC. 1023. STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit a joint report on the results of the study under subsection (a) to Congress.

SEC. 1024. CONTENT OF PRESEPARATION COUNSELING FOR PERSONNEL SEPARATING FROM ACTIVE DUTY SERVICE.

Section 1142 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

''(11) Information on participation in Federal Government procurement opportunities that are available at the prime contract level and at subcontract levels to veterans with service-connected disabilities and other veterans.''; and

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

''(d) REQUIREMENTS RELATING TO COUNSELING ON PROCUREMENT OPPORTUNITIES.—(1) For the counseling under subsection (b)(11), the Secretary concerned may provide for participation of representatives of the Secretary of Veterans Affairs, representatives of the Administrator of the Small Business Administration, representatives of other appropriate executive agencies, and representatives of Veterans' Business Outreach Centers and Small Business Development Centers.

''(2) The Secretary concerned may provide for the counseling under paragraph (11) of subsection (b) to be offered at medical centers of the Department of Veterans Affairs as well as the medical care facilities of the uniformed services and other facilities at which the counseling on the other matters required under such subsection is offered. The access of representatives described in paragraph (1) to a member of the armed forces to provide such counseling shall be subject to the consent of that member.''.

AMENDMENT NO. 3325, AS MODIFIED

Strike section 867, and insert the following:

SEC. 867. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces that—

(1) was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(2) either—

(A) is in effect on such date; or

(B) was in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

(c) REPEAL OF SUPERSEDED LAW.—Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1556) is repealed.

AMENDMENT NO. 3204, AS MODIFIED

On page 372, after line 17, insert the following:

SEC. 2844. COMPTROLLER GENERAL REPORT ON CLOSURE OF DEPARTMENT OF DEFENSE DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AND COMMISSARY STORES.

(a) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that includes the following:

(1) With respect to Department of Defense dependent elementary and secondary schools—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of schools, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the schools.

(2) With respect to commissary stores—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of commissary stores, including whether or not

such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the commissary stores.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services of the Senate; and

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

AMENDMENT NO. 3441, AS MODIFIED

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

(a) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—The Secretary of Defense shall ensure that the Secretary of the Air Force does not proceed with the acquisition of aerial refueling aircraft for the Air Force by lease or other contract, either with full and open competition or under section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413) until the date that is 60 days after the date on which the Secretary Defense has—

(1) reviewed all documentation for the acquisition, including—

(A) the completed aerial refueling analysis of alternatives (AOA) required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004, pursuant to ''Analysis of Alternatives (AoA) Guidance of KC–135 Recapitalization'', dated February 24, 2004;

(B) the completed aerial refueling portion of the Mobility Capabilities Study;

(C) a new validated capabilities document in accordance with the applicable Chairman of Joint Chiefs of Staff Instruction; and

(D) the approval of a Defense Acquisition Board in accordance with Department of Defense regulations; and

(2) submitted to the congressional defense committees a determination in writing that the acquisition is in compliance with all currently applicable laws, Office of Management and Budget circulars, and regulations.

(b) INDEPENDENT REVIEW.—Not later than 45 days after the Secretary of Defense makes the determination described in paragraph (2) of subsection (a), the Comptroller General and the Inspector General of the Department of Defense shall each review the documentation referred to in paragraph (1) of such subsection and submit to the congressional defense committees a report on the extent to which the acquisition is—

(1) in compliance with the requirements of this section and all currently applicable laws, Office of Management and Budget circulars, and regulations; and

(2) consistent with the analysis of alternatives referred to in subparagraph (A) of subsection (a)(1) and the other documentation referred to in such subsection.

(c) LIMITATION ON ACQUISITION BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The acquisition by lease or other contract of any aerial refueling aircraft for the Air Force beyond low-rate initial production shall be subject to, and for such acquisition the Secretary of the Air Force shall comply with, the requirements of sections 2366 and 2399 of title 10, United States Code.

(2) For the purposes of this subsection, the term ''low-rate initial production'', with respect to a lease, shall have the same meaning as applies in the administration of sections 2366 and 2399 of title 10, United States Code, with regard to any other form of acquisition.

(d) SOURCE SELECTION FOR INTEGRATED SUPPORT OF AERIAL REFUELING AIRCRAFT FLEET.—For the selection of a provider of integrated support for the aerial refueling aircraft fleet in any acquisition by lease or other contract of aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider on the basis of fairly conducted full and open competition (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))).

(e) PRICE INFORMATION.—Before the Secretary of the Air Force commits to acquiring by lease or other contract any aerial refueling aircraft for the Air Force, the Secretary shall require the manufacturer to provide, with respect to commercial items covered by the lease or contract, appropriate information on the prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the items.

(f) AUDIT SERVICES.—The Secretary of the Air Force shall contact the Office of the Inspector General for the Department of Defense for review and approval of any Air Force use of non-Federal audit services for any lease or other contract for the acquisition of aerial refueling aircraft.

AMENDMENT NO. 3333, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. PERIODIC DETAILED ACCOUNTING FOR OPERATIONS OF THE GLOBAL WAR ON TERRORISM.

(a) QUARTERLY ACCOUNTING.—Not later than 45 days after the end of each quarter of a year, the Secretary of Defense shall submit to the Congressional defense committees, for such quarter for each operation described in subsection (b), a full accounting of all costs incurred for such operation during such quarter and all amounts expended during such quarter for such operation, and the purposes for which such costs were incurred and such amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for operations described in subsection (b), the Secretary shall account in the quarterly submission under subsection (a) for all costs and expenditures that are reasonably attributable to such operations, including personnel costs.

AMENDMENT NO. 3319

(Purpose: To repeal certain requirements and limitations relating to the defense industrial base)

At the end of subtitle D of title VIII, add the following:

SEC. 844. REPEAL OF CERTAIN REQUIREMENTS AND LIMITATIONS RELATING TO THE DEFENSE INDUSTRIAL BASE.

(a) ESSENTIAL ITEM IDENTIFICATION AND DOMESTIC PRODUCTION CAPABILITIES IMPROVEMENT.—Sections 812, 813, and 814 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542, 1543, 1545; 10 U.S.C. 2501 note) are repealed.

(b) ELIMINATION OF UNRELIABLE SOURCE FOR ITEMS AND COMPONENTS.—Section 821 of such Act (117 Stat. 1546; 10 U.S.C. 2534 note) is repealed.

AMENDMENT NO. 3339

(Purpose: To modify the priority afforded applications for national defense tank vessel construction assistance)

At the end of division B, add the following:

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

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

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

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) shall give priority consideration to a proposal submitted by an applicant who has been accepted for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the United States Coast Guard on January 2, 2004; and''.

AMENDMENT NO. 3371, AS MODIFIED

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1520) has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''(as adjusted under subsection (c)'' before the period at the end of the first sentence; and

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

''(c) Effective on the date on which rates of basic pay under section 204 of this title are increased under section 1009 of title 37 or any other provision of law, the amount of the death gratuity provided under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.''.

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006

under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate committees of Congress referred to in subsection (g) a draft or drafts of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to $350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the draft legislation required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include draft legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that the draft legislation submitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions of the draft legislation submitted under subsection (c), for fiscal year 2006 and each of the ensuing nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

(g) APPROPRIATE COMMITTEES OF CONGRESS.—For the purposes of subsection (c), the appropriate committees of Congress are as follows:

(1) The Committees on Armed Services of the Senate and the House of Representatives, with respect to draft legislation that is within the jurisdiction of such committees.

(2) The Committees on Veterans Affairs of the Senate and the House of Representatives, with respect to draft legislation within the jurisdiction of such committees.

AMENDMENT NO. 3438, AS MODIFIED

In section 3161, as added by Senate Amendment 3438, strike subsection (b).

Mr. LEVIN. We support these amendments, Mr. President. We move to reconsider.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3371, AS MODIFIED

Mr. WARNER. We have two technical matters.

Sessions amendment No. 3371 was agreed to last week without a modification. I send to the desk a modified amendment No. 3371 as a substitute for the original amendment and ask unanimous consent that it be substituted for the version agreed to last week.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 3371) was agreed to as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1520) has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''(as adjusted under subsection (c)'' before the period at the end of the first sentence; and

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

''(c) Effective on the date on which rates of basic pay under section 204 of this title are increased under section 1009 of title 37 or any other provision of law, the amount of the death gratuity provided under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.''.

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate committees of Congress referred to in subsection (g) a draft or drafts of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to $350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while

deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the draft legislation required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include draft legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that the draft legislation submitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions of the draft legislation submitted under subsection (c), for fiscal year 2006 and each of the ensuing nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

(g) APPROPRIATE COMMITTEES OF CONGRESS.—For the purposes of subsection (c), the appropriate committees of Congress are as follows:

(1) The Committees on Armed Services of the Senate and the House of Representatives, with respect to draft legislation that is within the jurisdiction of such committees.

(2) The Committees on Veterans Affairs of the Senate and the House of Representatives, with respect to draft legislation within the jurisdiction of such committees.

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.

AMENDMENT NO. 3438, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I send an amendment to the desk which makes a technical change to amendment No. 3438 on the Energy Employee Occupational Illness Compensation Program that had been previously agreed to.

My understanding is the amendment is acceptable on each side.

Mr. LEVIN. The modification has been cleared on this side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the previously agreed to amendment is modified.

The amendment (No. 3438), as modified, was agreed to as follows:

In section 3161, as added by Senate Amendment 3438, strike subsection (b).

Mr. LEVIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have been in consultation with the leadership on both sides. I see the distinguished Democratic whip. I will make this unanimous consent request at this time.

I ask unanimous consent that when the Senate resumes consideration of the Defense authorization bill the Senate consider the following amendments in this order: Corzine amendment No. 3303, 30 minutes equally divided; Byrd amendment No. 3423, 20 minutes equally divided; McConnell, Iraq report and Kennedy amendment No. 3388, a total of 30 minutes equally divided for both amendments.

They will be voted on side by side.

Reed amendment No. 3353, 20 minutes equally divided; provided further that after the conclusion of all of the designated debate time, the Senate proceed to a series of consecutive votes in relation to the amendments mentioned above, in the order listed, with no second degrees in order to the amendments prior to the votes.

Mr. REID. Mr. President, reserving the right to object, will the distinguished chairman tell me again the order that those votes will take place?

Mr. WARNER. I have been informed that the first amendment is Corzine, the second is McConnell-Kennedy, the third is Reed, and the fourth is Byrd.

Mr. REID. Mr. President, reserving the right to object, I ask that the distinguished Senator modify his request, first of all, that after the first vote there be 10 minutes for each vote.

Mr. WARNER. Yes. After the first vote, 10 minutes.

Mr. REID. Second, that there be 2 minutes between each of these amendments. Senator BYRD has always asked that we do that.

Mr. WARNER. That is acceptable.

Mr. REID. Two minutes equally divided. That is fairly standard. The majority leader didn't want any time, as the chairman will recall.

Mr. WARNER. I understand. I have to look at it in the interest of my colleagues—no disrespect to the majority leader.

Mr. REID. Mr. President, this is fine with us. But I want the RECORD to reflect that we would agree to even less time on amendments. As we proceed with the debate on this group of amendments, we could have saved 30 minutes if we did not use all of our time.

We have no objection to the request of the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I accept responsibility for increasing the time. I just feel that these are important issues, and some of my colleagues are very anxious to express their views. I want to make that possible.

Mr. LEVIN. Mr. President, one other issue, because we are trying to push this bill very quickly, we always appreciate and admire the Senator from Virginia for his forthright statements and knowledge. We think it might be possible as we proceed on at least these amendments that some of the time could be yielded. That would be in everybody's interest, if it is possible.

Mr. WARNER. That would be an option with equal division of time.

AMENDMENT NO. 3409

Ms. MIKULSKI. Mr. President, I rise in strong support of the Daschle amendment, and in strong support of our Nation's veterans.

Our men and women serving in Iraq and Afghanistan have my steadfast support. So do those who served before them. Our veterans need to know that America is with them and that we owe them a debt of gratitude. Congress must show that gratitude not just with words, but with deeds. That means making our troops and our veterans a priority in the Federal checkbook.

That is why I am such a strong supporter of the Daschle amendment. The goal of this amendment is simple and straightforward—to guarantee enough funding in the Federal checkbook each year to provide health care to every single veteran enrolled in the VA system.

This amendment does four things to support our Nation's veterans:

First, the amendment sets a minimum level of funding for VA health care each year. This amount is based on the number of veterans enrolled in the VA system. This is important to ensure that VA can provide care for every veteran, without rationing care or charging deductibles, fees, or increased copayments.

Second, the amendment provides an annual adjustment for inflation, so that VA can keep up with the rising costs of medical equipment, supplies, and prescription drugs.

Third, the amendment says that after 2 years, the General Accounting Office, GAO, will provide Congress with a report of whether this funding was adequate to provide care for all of our veterans. The amendment also sets up a process to correct any flaws that GAO identifies.

Fourth, the amendment moves future increases to VA health care funding from the discretionary to the mandatory side of the Federal budget. This is important so that the VA-HUD Subcommittee won't have to have to forage for funds each year, and veterans won't have to compete for funding.

As the ranking member of the VA-HUD Appropriations Subcommittee, my guiding principle for the VA budget is that promises made to our veterans must be promises kept. And each year, the VA-HUD Appropriations Subcommittee makes veterans health care funding the top priority. We do this on a bipartisan basis, because when it comes to caring for our Nation's veterans, we are not members of the

Democratic or Republican parties. We are members of the red, white, and blue party.

But each year, we have to forage for funds. Over the last 3 years, we have worked on a bipartisan basis to reject new fees and increased copayments on our Nation's veterans.

In 2003, the administration proposed that Priority 7 and 8 veterans pay a yearly $1,500 deductible just to access VA health care. On a bipartisan basis, Congress rejected this proposal. Instead, we put $1.1 billion more in VA's budget.

In 2004, the administration proposed that Priority 7 and 8 veterans pay a yearly $250 fee to access VA health care. The budget also proposed increases in veterans' copayments—a 50 percent increase in the prescription drug copayment and a 30 percent increase in copayments for doctors visits. Again, on a bipartisan basis, Congress rejected these proposals. Instead, we put $1.3 billion more in the VA's budget.

The administration's 2005 budget again proposes a $250 annual fee and increased prescription drug copayments for veterans. And again this year, Senator BOND and I will fight to find the funding to reject these proposals.

But despite our efforts and these record increases, VA health care funding is just not keeping up with the needs of our Nation's veterans. This mismatch of funding and demand for VA health care has led the administration to ration VA health care. In January 2002, the administration closed enrollment to all new Priority 8 veterans. This is unacceptable. In addition, the VA has already treated 10,000 of our newest veterans returning from Iraq and Afghanistan. Our newest veterans deserve to know that the VA will be there to care for them.

Finally, I want to point out that under this amendment, Congress would keep its oversight authority over how VA health care funding is spent. The Appropriations and Veterans Affairs Committees would still be able to hold VA accountable for how it spends its money, and how it provides health care to veterans. Congress will continue to stand up for our Nation's veterans.

The Task Force To Improve Health Care Delivery For Our Nation's Veterans, a bipartisan task force of experts on health care convened at the request of the President, concluded that there is a definite mismatch between demand and funding for VA health care. The Task Force recommended fixing this mismatch. The Daschle amendment is a bold solution to this problem.

Mr. President, I urge my colleagues to stand up for our Nation's veterans by supporting the Daschle amendment.

I yield the floor.

Mr. JOHNSON. Mr. President, I rise today in support of the Daschle amendment to the National Defense Authorization Act for Fiscal Year 2005.

Mr. President, I introduced the Veterans Health Care Funding Guarantee Act in both the 107th and 108th Congress because I believe the system we use to fund VA health care is broken. Both my legislation and the Daschle amendment would fix this problem and fully fund the Veterans Administration health care system by making VA medical care mandatory, rather than discretionary, spending.

Once again, we face a budget that severely underfunds VA medical care needs. Under the budget submitted to Congress by the President, many veterans will not have access to the VA health care system, will have increased copayments and fees, and will face continuing delays to access the care they were promised. And once again, Congress will be forced to make the difficult choices in finding additional funds for the VA. I am concerned that this yearly struggle to find just enough funding for veterans health care is unsustainable it breaks the promises we made to our veterans and threatens the long-term viability of the entire VA health care system.

This is what makes legislation such as the Veterans Health Care Funding Guarantee Act and the Daschle amendment particularly interesting. The amendment recognizes the need to automatically calculate the effects of inflation and to factor in the number of veterans utilizing the VA health care system in determining the necessary level of medical care funding.

Mr. President, this approach has been endorsed by the Disabled American Veterans, the Veterans of Foreign Wars, and the American Legion. In addition, the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans—a 15-member panel that was assembled to study the health care needs of our Nation's veterans—has weighed in on this issue. This Presidential task force released their recommendations in a report on May 28, 2003. The report stated clearly that the most pressing problem facing the VA health system is that funding is not keeping pace with the need for care.

While the panel encouraged greater cooperation between the VA and the Department of Defense's health care system, they recognized this would not address the fundamental problem. Instead, the panel recommended two solutions to the VA's funding problems: create an independent board which will set the level of VA health care spending each year, or establish a formula to provide a mandatory amount of funding for VA medical care. This second recommendation is the concept contained in the amendment we are debating today. I hope that my colleagues will read the report produced by the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans because I believe it provides a solid basis for supporting the Daschle amendment.

I close by discussing why we are debating this amendment today and on this particular bill. Some have questioned including a veterans health care amendment as a part of the National Defense Authorization Act. However, I can think of no more appropriate bill on which to discuss whether or not we are going to live up to our commitments to our nation's veterans. As the father of a soldier who has served in Iraq, Afghanistan, Kosovo, and Bosnia, I know that poor treatment of our veterans severely impacts our ability to recruit and retain the best and brightest for our military. We simply can not separate the issue of the treatment of our troops and the treatment of our veterans.

Mr. President, I thank Senator DASCHLE for offering this amendment and encourage my colleagues to support our veterans by voting in favor of the pending amendment.

AMENDMENT NO. 3470

Mr. NELSON of Florida. Mr. President, today I submitted an amendment to the fiscal year 2005 National Defense Authorization bill that would eliminate the current offset against annuities paid by the Department of Defense Survivors' Benefits Plan—SBP—for Veterans Administration Dependency and Indemnity Compensation—DIC. I ask for my colleagues' support for this amendment and invite their cosponsorship.

Unfortunately, many of us do not realize that a reduction similar to the current offset rules for military retirement and veterans' disability compensation applies to the survivors of military retirees enrolled in the Survivor Benefit Plan—SBP. Payments for the survivors of our retirees from the military Survivor Benefit Plan—SBP—are reduced by benefits payable from the veterans' Dependency and Indemnity Compensation—DIC—program. Thus, surviving spouses of 100 percent disabled military retirees generally cannot receive benefits through both the retirement system and the veterans' disability system.

Over the last few years we have made a tremendous effort to repeal the law that prohibits concurrent receipt of retired pay and disability compensation for our military retirees. This year we have already adopted a provision in the fiscal year 2005 National Defense Authorization bill that will eliminate the phasing over 10 years of retired pay for retirees with 100 percent disability. I supported this provision. We have to take care of our most deserving retirees, but we should also take care of their survivors.

I have long supported the full implementation of concurrent receipt, but I do not understand why we would leave behind the widows and dependent children of those retirees that have purchased the income protection provided by the Survivors Benefit Plan. I know of no purchased annuity plan that denies its benefit based on the receipt of another benefit. This is wrong and it hurts our most valuable widows—those left behind by combat losses and retirees fully disabled by their service.

It is difficult to justify paying military retired pay and veterans' compensation concurrently to the retiree but not paying benefits from both the SBP and the DIC concurrently to that retiree's widow or surviving children. My amendment ensures consistency in the application of benefits to survivors from the SBP program and DIC. I urge the Senate to adopt this amendment and take care of our military widows.

Mr. WARNER. Mr. President, I do not believe there are further matters in relation to this bill. At this point in time, I will proceed to wrap up on behalf of leadership.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, as the chairman said just a few moments ago on the floor, there has been a lot of hard work on the Defense bill over the course of the last month and over the course of the day. We continued to clear amendments on both sides. And although we have been in a quorum call, off and on, over the course of the night, as the chairman implied, there have been a lot of negotiations, and a lot of progress has been made in addressing the large number of amendments that we, at 6:30, realized we had. We continue to clear amendments on both sides, and we have entered into an agreement for votes on approximately five amendments tomorrow morning.

Unfortunately—and I made it clear to both managers and representatives of our leadership and leadership on the other side of the aisle—it is still unclear as to exactly how we are going to bring this bill to closure, how we will finish this bill. We have had this large number of consultations throughout the evening with colleagues on both sides of the aisle, and I do think it is time we bring the bill to conclusion. I believe it is really past that time.

But, again, everybody is working in good faith. I do respect Members' rights to offer amendments. However, as majority leader, I am charged with ensuring that we finish our work and that we are able to address the other very important work ahead of us. I specifically mentioned, in this case, the appropriations bill which provides the funding to support our troops overseas.

Having said that, I will file a cloture motion so all of our options are preserved. I understand everybody is proceeding in good faith for completion tomorrow. We will continue to find a way to finish the bill tomorrow, but we will have this cloture vote on Thursday if it becomes necessary.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on calendar No. 503, 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.

Bill Frist, Mitch McConnell, John Cornyn, Trent Lott, John W. Warner, Norm Coleman, Lincoln D. Chafee, Gordon Smith, Jon Kyl, John McCain, Peter Fitzgerald, John E. Sununu, Richard G. Lugar, Don Nickles, Mike DeWine, George V. Voinovich, George Allen, Kay Bailey Hutchison.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, soon we will be voting on the nomination of Walter DeKalb Kelley, Jr., to be a Federal judge for the U.S. District Court for the Eastern District of Virginia. My colleague, Senator WARNER, and I know him as Walt. We very much support his nomination. I have known Walt Kelley for a long time now. He is one who continues to impress me as a gentleman. I have always found him to be even tempered, no matter the situation, no matter how fractious things might be. He always has a good, steady demeanor about him, which I think is an important attribute, especially for a trial judge.

Senator WARNER and I interviewed many outstanding nominees for this judgeship in the Eastern District of Virginia. The things I care about are experience, to the extent you can find somebody who has judicial experience. Also, when you look at their experience and talk about them, whether it is in the courtroom or what their beliefs are, it is important to figure out what their judicial philosophy might be.

On the point of judicial philosophy, as a judge, Walt Kelley will be one who understands the proper role of the judiciary, in particular to adjudicate a case, applying the facts and evidence before the court, applying the law in the proper way, as opposed to a judge who might want to invent new law.

As far as experience is concerned, while Walt Kelley has not served as a judge, he has a tremendous amount of experience in the courtroom, arguing and taking to final adjudication 25 cases in various Federal courts.

He has been endorsed and supported by the Virginia Association of Defense Attorneys and the Virginia State Bar. The American Bar Association has also given Walt Kelley a unanimous opinion of ''well qualified.'' He is rated ''AV'' by Martindale-Hubbell. In addition, the Virginia Women Attorneys Association supports his nomination.

He is an individual of great character, and he supports important aspects of the community in the Hampton Roads area. He is the chairman or the rector of the Board of Visitors at Old Dominion University in Norfolk. He is a trustee at Norfolk Collegiate School, where he attended, and his three children currently attend school. He is an adjunct professor in antitrust law at Regent University School of Law. He was on the Virginia Attorney General's Task Force on Higher Education, and he is also the director of the Hampton Roads Salvation Army Adult Rehabilitation Center Advisory Board, making sure folks are rehabilitated from being addicted to drugs, or using drugs, so they may become productive citizens.

Walt Kelley is an outstanding individual. He has the experience, the temperament, and the right philosophy to be a judge in the Eastern District of Virginia for many decades to come. I look forward to voting for him and respectfully urge my colleagues to support the nomination of Walter Kelley to the United States District Court for the Eastern District of Virginia.

Mr. President, I yield the floor.

JUAN R. SANCHEZ

Mr. SPECTER. Mr. President, I rise in support of the nomination of Chester County Common Pleas Judge Juan Sanchez who is on the docket for confirmation at the present time. Judge Sanchez was born in Puerto Rico, but emigrated to the United States at an early age and has an outstanding academic record from City College of New York, where he had his bachelor's degree cum laude in 1978. He graduated from the University of Pennsylvania Law School with his J.D. degree and has a very impressive background. He served in the Legal Aid Society of Chester County where he was staff attorney for 2 years, and then a partner in a private law firm. He also served the County of Chester in the Public Defender's Office for some 4 years; and for the last 6 years, he has been a judge of the Court of Common Pleas of Chester County.

Mr. Sanchez was nominated by the bipartisan nominating committee which Senator SANTORUM and I have recommended to the President, withstood the rigor of the examinations and has been voted out of committee unanimously. I think he will make an outstanding judge.

I ask unanimous consent that Judge Sanchez's resume be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUAN R. SANCHEZ, RESUMÉ

Birth: December 22, 1955, Vega Baja, Puerto Rico.

Education: 1974–1978, City College of the City University of New York B.A. degree, cum laude.

1978–1981, University of Pennsylvania Law School, J.D. degree.

Bar Admittance: 1982, Pennsylvania.

Experience: 1981–1983, Legal Aid of Chester County, Staff Attorney.

1983–1990, Nester, Nester & Sanchez Partner.

1983–1997, County of Chester Public Defender's Office, Senior Trial Attorney, 1993–1997, Trial Attorney, 1983–1993.

1990–1997, Sole Proprietor.

1997, MacElree, Harvey, Gallagher, Featherman & Sebastian, Trial Attorney.

1998—present, Chester County Court of Common Pleas, Judge.

ROBERT H. PERRY—NEVADA TRIAL LAWYER OF THE YEAR

Mr. REID. Mr. President, I rise today to congratulate Robert H. Perry, who has been recognized as Nevada Trial Lawyer of the Year by the Nevada Trial Lawyers Association.

Mr. Perry grew up in Topeka, KS, and attended the United States Naval Academy. Following his graduation, he served in the U.S. Marine Corps. After he completed his military service, Mr. Perry worked in sales in Montana, and then returned to Kansas where he became a mentor for youth who were detained in the justice system. That whetted his interest in the legal system, and he decided to attend law school at the University of Kansas.

After he graduated law school, Mr. Perry moved to Nevada, where he became a successful prosecutor in the Washoe County District Attorney's Office. After several years, he rose to the position of Deputy District Attorney for the Criminal Division.

In 1976, Mr. Perry joined the law firm of Laxalt and Berry, and a few years later he formed a partnership with Richard Davenport. He ventured out on his own in 1991, forming Robert H. Perry, Ltd., and concentrated on civil trial work.

Since then Mr. Perry has dedicated himself to representing average citizens who have been harmed by the wrongful actions of others. Many times the party that did the harm was much more powerful than the victim—but in our legal system, it is possible for ordinary people to get justice, thanks to lawyers like Mr. Perry.

In 2001, Mr. Perry represented a young girl whose medical treatment had been delayed because the treating physician thought she was complaining in order to receive more painkillers. But in fact, she was really sick. When surgery was finally performed on this girl, only three feet of her small intestine remained. Today, and for the rest of her life, she must receive her nourishment intravenously.

Mr. Perry fought for her and she won the largest verdict for medical malpractice in Nevada history.

This is just an example of the kind of battles that Robert Perry wages on behalf of his clients. I salute him for his selection as Trial Lawyer of the Year, and extend my best wishes for success in all his future ventures.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Wichita, KS, on June 29, 2001, a 58-year old openly gay hairdresser, Marcell Eads, was beaten and died from burns and smoke inhalation after the alleged bashers set his home on fire. Zachary Steward, 18, and Brandon Boone, 17, were arrested in connection with the crime. Steward claimed that Eads had made sexual advances toward him, prompting Boone to start beating Eads with a broomstick and later with the end of a table and a rock. The perpetrators accused each other of setting the fire that killed Eads, and both took credit for trying to put out the fire.

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.

FAITH IN ACTION

Mr. GRASSLEY. Mr. President, in the 21st century, advances in medicine are allowing Americans to live longer than ever before. Today, the average American will live to be over 76 years old. As the collective age of society increases, so does the need for increased help, care, and support, as long-term illnesses and the frailties of age become the rule, not the exception. Faith in Action volunteers play a crucial role in ensuring that help is there for neighbors in need.

Faith in Action is a nationwide, interfaith coalition that works to help people with long-term health needs or disabilities maintain their independence by providing assistance with daily activities. Funded by the Robert Wood Johnson Foundation, Faith in Action boasts 100,000 nationwide volunteers serving over 200,000 care recipients.

Through Faith in Action, Americans of every faith—including Catholics, Protestants, Hindus, Jews and Muslims—work together to improve the lives of their neighbors in need. Faith in Action volunteers help others maintain their independence by doing simple things: watering flowers, shopping for groceries, taking people to the doctor, and simply listening. Sometimes they open doors that people can't open on their own.

In my home State of Iowa, over 2,100 dedicated volunteers work in local programs to contribute approximately 315,000 volunteer hours per year—a service valued at nearly $5.2 million.

But the value of Faith in Action is measured not by dollars and cents. Nor is the value measured by the number of volunteers, or the number of hours donated. The real value of Faith in Action is measured by the warm smiles of gratitude that line the faces of those whose lives have been enriched by the kind touch of a stranger.

Fred Jones is a man who knows firsthand the value of Faith in Action. Fred lives with his wife in the rural farmhouse where he was born, on the outskirts of Parnell, IA. Fred is, by any measure, a big man—standing 6 feet 2 inches tall and weighing over 200 pounds. Twelve years ago, Fred had a major stroke—a stroke that left half of his body paralyzed, and left Fred confined to a wheelchair in a home not built with wheelchairs in mind.

After the stroke, Fred's wife did not want to put him in a care facility and dreaded the thought of leaving the home where he was born. So at 76 years old and without any help, Mrs. Jones assumed the burden of lifting Fred up and down the 6-inch step from the front door of their home to the sidewalk below.

When Faith in Action was notified of the situation, the dedicated staff found resources to pay for the materials and a volunteer to install a wheelchair ramp for the elderly couple. Now Mrs. Jones is able to maneuver her husband in and out of their home with ease. Fred can now go to church, enjoy the sunshine, and watch his grandchildren play.

As an Iowan and a Member of Congress, I greatly appreciate the selfless acts of charity done by Faith in Action volunteers and I look forward to even greater accomplishments in the years to come.

THE CRISIS IN HAITI

Mr. DODD. Mr. President, I rise today to speak about the lamentable situation in Haiti. After suffering political upheaval and widespread violence over the last few months, the Haitian people are now facing even more desperate circumstances.

During the last 2 weeks of May, floods devastated major sections of Haiti and parts of the Dominican Republic. The death toll in Haiti has reached nearly 2,600 people not including the missing and medical personnel expect that number to climb higher as the waters recede and reclamation efforts become possible.

In the immediate aftermath of the catastrophe, aid workers, Haitian officials, and foreign troops—including U.S. soldiers scrambled to prevent the crisis from worsening. They have been delivering emergency supplies of food and water, building temporary housing, and working to prevent the spread of disease.

I am concerned, however, by reports that the efforts are sorely under-funded

and risk being overwhelmed by the sheer size of the disaster. Doctors are struggling to combat outbreaks of malaria and dengue, and the New York Times reports that aid workers were using mules for transportation, since the U.S. military is no longer airlifting aid to isolated communities. The U.S. Agency for International Development has pledged $50,000 in emergency aid, but we ought to do much more.

I wish I could say that the devastation was solely an act of nature, but it was not. Had these same rains fallen over Florida, the damage would have been much less severe and the death toll would be in the single digits instead of the thousands.

As my esteemed colleague from Ohio, Senator DEWINE, described in his statement on June 1st, Haiti's economic underdevelopment exacerbated the effects of the flooding. Widespread deforestation of hillsides meant that, when the rains came, there was nothing to hold the soil in place. The subsequent landslides devastated many of the villages. And without roads and emergency services, there was no way to evacuate the Haitians who were caught in the path of the floods.

Yet the devastation is not over. For the tens of thousands of Haitians who were left homeless, whose crops were destroyed, and whose communities were razed by the floodwaters, the next few months will be a struggle between life and death.

It pains me to say that the floods are only the most recent setback for a country already struggling to overcome economic and social crises. Haiti, by most measures, is the poorest country in the hemisphere with nearly 80 percent of its population living in abject poverty. The life expectancy has fallen to 52 years and more than 6 percent of Haitians are infected with the HIV virus.

In recent years Haiti has become a major trans-shipment point for cocaine trafficking. The State Department, in its annual Narcotics Control Strategy Report, describes Haiti as, ''a key conduit for drug traffickers transporting cocaine from South America to the United States.'' Sadly, more than half of all Haitians are unable to participate in the formal economy, and, as a consequence, many of these people turn to the illegal drug trade as a source of income.

This influx of drug money into Haiti has further eroded the rule-of-law. Corruption now seems endemic in even the highest levels of government and private enterprise.

Not all the news from Haiti is bad, however. Recently, I had the opportunity to meet with Prime Minister [Gerard] Latortue while he was visiting Washington. I was impressed by his vision for Haiti, and encouraged by the efforts he has made since his appointment to stabilize the country. During our meeting, Prime Minister Latortue emphasized the need for major improvements in infrastructure, particularly in the power sector. He also stressed to me the urgent need for capacity-building amongst government institutions which cannot carry out their responsibilities without the trained personnel and resources to do so.

Unfortunately the Bush Administration has been extremely slow to respond to Prime Minister Latortue's requests for aid. President Aristide was deposed in late February, but it wasn't until late May—nearly 3 months later—that the Administration finally cobbled together a $160 million aid package for Haiti—$60 million of which was already in the pipeline before the February departure of President Aristide. I'm afraid that the amount they have allotted, about $20 per Haitian, is too little, too late.

This lukewarm response only continues a trend in the Bush administration's policy toward Haiti. Since 2000, the U.S. Government has taken a shameful, hands-off approach to Haiti, turning its back on a growing crisis. After the Bush administration facilitated President Aristide's removal, citing his incompetence as the justification for supporting the involuntary departure of an elected president, one would have hoped that there was some sense of obligation on the part of the administration to do right by the Haitian people. Sadly, that sense of obligation is minimal at best, even in the face of the natural disaster that has recently befallen the Haitian people.

So what should the U.S. response be to the political, economic, and social crises in Haiti? Should we continue the hands-off approach of the Bush administration? Or, should we offer Haiti a hand up? I believe that we have a special obligation to help Haiti, and I'm offering three proposals for how we can do that.

First, we should halt the removal of the 1,900 U.S. troops currently stationed in Haiti. Prime Minister Latortue has asked that we extend the U.S. military presence, fearing that U.S. troops are the only ones capable of dissuading further violence. The original decision to depart upon the arrival of the Brazilian-led UN Peacekeeping force was made before last month's flooding—and before the destabilizing effects of the current humanitarian crisis.

Let me take a moment here to talk about the security situation. Many have speculated about the re-establishment of the Haitian Army. Because this is ultimately a question for the Haitian people to answer—especially in light of the Haitian Army's history of abuses—I believe that the decision should be left for the next elected government to address. Given the scarcity of resources and the absence of a specific national security mission, I for one believe that reestablishing the army is a luxury that Haiti can ill afford. In any event, the current caretaker government should concern itself with establishing domestic stability and security, preparing for elections, and, most critical of all, working to end the current humanitarian crisis.

The Bush administration can help the LaTortue government move forward with its stated agenda by working with the international community and the Haitian National Police to establish the rule of law. Clearly reestablishing security requires that we step up efforts to disarm all the various illegal armed groups. So far less than 200 arms have been rounded up. And the focus seems to be solely on Aristide supporters, not the armed thugs who have perpetrated a reign of terror throughout the countryside for the last nine months.

Next, in accordance with the resolution agreed upon by the Organization of American States, we must undertake to foster full restoration of democracy in Haiti. Our first obligation is to get to the bottom of allegations that the United States participated in the ouster of President Aristide. The OAS has just begun an investigation into the matter, and we should cooperate fully to dispel any myths or redress any errors.

My last proposal is for a $1 billion emergency aid package for Haiti over the next 4 years. If we are willing to devote hundreds of billions of dollars for the endeavors in Afghanistan and Iraq—half a world away—doesn't it make sense for us to devote a fraction of that amount to assist one of our nearest and most impoverished neighbors? Announcing a multiyear aid package, we demonstrate our commitment to the Haitian people and also serve as an example for others in the international community to offer up multiyear assistance packages as well. As UN Secretary General Kofi Annan stated in March, getting it right in Haiti this time, ''means keeping international attention and resources engaged for the long haul.''

It is long past time for the United States to address the mounting crisis in Haiti. It is time for us to offer the Haitian people a hand up. Toward that end, I believe that this body should give serious consideration to making a down payment on the $1 billion aid proposal for Haiti in the FY 2005 Appropriations process when the Senate deals with this legislation. Only through concrete and meaningful U.S. assistance on a scale commensurate with Haiti's needs can we ever hope to reverse the misery, suffering, and hopelessness that have become commonplace in the lives of close neighbors—8 million of them.

IN MEMORY OF RAY CHARLES

Mrs. BOXER. Mr. President, I take this moment to reflect on the life of Ray Charles. I feel lucky to have grown up with the innovative and passionate sounds of Ray Charles unique mix of gospel and blues. His work took listeners from the depths of his profound sadness to cathartic heights in his love

and performance of music. Ray Charles will be deeply missed by fans and fellow musicians alike.

Ray Charles Robinson was born September 23, 1930, in Albany, GA. The child of a mechanic, Bailey Robinson, and a saw-mill worker, Aretha, Ray Charles' life was a lesson in triumph over adversity. A young Charles began losing his sight at infancy and was clinically blind by the age of 7. Two years prior his brother had accidentally drowned, and by age 15, Charles lost both parents and had no immediate family. Alone, sad, and orphaned, Ray Charles went to live with friends of his mother, nearly 200 miles away from home, in Jacksonville, FL.

Charles lived in Jacksonville for a year developing his talent as a musician before moving to Orlando, supporting himself, a 16 year-old orphan, with only his seemingly dauntless optimism to help him along. Work was sparse, and income was never guaranteed. He left Florida, looking for a new city with potential for new challenges, took what little money he had and made a five-day bus trip to Seattle, WA. It was here that Charles formed his first group, a small jazz group called the McSon Trio.

Emulating the vocal styles of his musical idol, Nat King Cole, Ray Charles formed a rhythm and blues group led by vocalist Ruth Brown. The band played night after night in smoky back-alley clubs throughout Seattle's red light district. As Charles reflected in his autobiography, these clubs consisted of little more than a big room with a band in one corner, liquor in the other, and a shoulder to shoulder audience. Playing in Seattle, Ray Charles met Quincy Jones, showing the young future producer how to write and compose music. It was the beginning of a lifelong friendship.

It was on the West Coast that Ray Charles' famous career truly began to develop. Swingtime Records signed Charles in Seattle, giving him his first break in the music business. And in 1950, the company flew him to Los Angeles to record. In 1952 his contract was purchased by Atlantic Records, and by 1954, Charles had formed his own band recording his unique raw and tortured mix of gospel and rhythm n' blues a style that would later be known as soul music—with songs like ''I Got A Woman,'' and the later ''Georgia on my Mind,'' with ABC-Paramount. Ray Charles, the innovator and musical provocateur was being called ''The Genius'' by contemporaries and playing at such famous venues as Carnegie Hall and the Newport Jazz Festival.

In the 1960s, Ray Charles would truly come to call Los Angeles home. He had his own studio designed and built by long time friend and business manager Joe Adams, and recorded his first album, ''Country and Western Meets Rhythm and Blues,'' at the studio in 1965. Charles would continue his recording career here for nearly 40 years until his death, and once said of the studio, ''I love this place. It's the only home I've truly had for most of my professional career, and I would never leave it.'' Charles would go on to produce numerous hits in his Los Angeles location, continuing an impressive career that would later earn him 12 Grammy Awards between 1960 and 1966, including best R&B recording for three consecutive years. The Ray Charles Studio was designated a Los Angeles historical landmark on April 30, 2004 thanks to the hard work of Councilman Martin Ludlow and City Council President Alex Padilla. Ray Charles made his last public appearance in Los Angeles at his studio as the site was designated a city historic landmark, a living testament to Charles' 40 years living and working in the city of Los Angeles.

The music of Ray Charles was a deep and powerful reflection of the American musical tradition. From troubled origins in the south that would characterize the blues aspect of Charles lyrical style to the gospel influences present in so many of Charles' hits, soul music encapsulates so much of the American story. From racism, to heartache, to loneliness, to redemption, Ray Charles was writing the songs that could only come from an American artist and influencing a generation of musicians. He was at once expert composer, rock and roller, long-sufferer, genius, and poet. He was, to say the least, one of America's greatest artists, and will be deeply missed.

TRIBUTE TO ASSISTANT SECRETARY JESSE ROBERSON

Mr. ALLARD. Mr. President, on Tuesday, June 15, I received some very sad news, that Jessie Roberson had announced her resignation as the Assistant Secretary for Environmental Management at the Department of Energy effective July 15.

I have known Jessie since I was first elected to the Senate in 1996. At the time she was the site manager for the Rocky Flats Environmental Technology site in my State of Colorado. Through our common interest at Rocky Flats, I got to know her quite well. She not only impressed me with her depth of knowledge but here innovation and determination in making sure that Rocky Flats would be one of the first major DOE sites to close. Under her watch from 1996 to 1999, the Rocky Flats closure date went from 2015 to 2006. I know it was her leadership that moved this ambitious plan forward.

When President Bush was elected in 2000, it was that same leadership and determination that convinced me to put her name forward knowing that she would be the best person for the job of Assistant Secretary for Environmental Management at the Department. And I can say, unequivocally, that she has not disappointed.

When I met with her shortly after being confirmed, I told her that the environmental management program was broken and in need of major reforms. I added that this would not be easy and that some people would not like the changes which are necessary to make the program work. She agreed and she promised that she would work hard to effect change. While she later told me that it has not been easy, she kept the course and has transformed the program from one of just motion to true action. The Department has made tremendous progress in getting sites closer to closure. I can honestly say that what some people did not think possible 3 years ago is closer to happening; and that is that sites will be closing. I can only attribute this to the leadership of this extraordinary woman.

During her confirmation hearing before the Senate Energy and Natural Resources Committee on May 16, I inserted into the RECORD a Denver Post editorial entitled ''Roberson a Top Flight Pick'' and quoted one line from the editorial. It said:

> The Department's environmental management job is in fact one of the toughest positions in the Federal Government. There likely is not a better person around to tackle the task, than Jessie Roberson.

I believed that statement then, and after 3 years on the job, she proved that statement to be true.

She has done a tremendous job not just for President Bush and Secretary Abraham, but for the entire country. She has made our country safer by accelerating the cleanup of some of the world's most dangerous places. She is making sure that our children and grandchildren are not going to have to bear the burden of these contaminated sites.

While I am saddened to see her leave her post at the Department, I know that she has nothing but the brightest future ahead of her. I am proud to call her my friend and I wish Jessie and her daughter Jessica all the best. Thank you, Jessie Roberson, for your service.

60TH ANNIVERSARY OF GI BILL

Ms. CANTWELL. Mr. President, I rise today to commemorate the 60th anniversary of one of the most important bills to ever be passed by this body, the GI bill. Just like the recent remembrance of D-Day and the unveiling of the World War II memorial, the passage of this landmark legislation is another part of the World War II legacy.

Sixty years ago today, President Roosevelt signed into law the ''Servicemen's Readjustment Act of 1944.'' That bill created unprecedented access to education and training for tens of thousands of military members returning home after World War II.

Even before the War ended, Congress and the Administration were preparing for the return of over 15 million men and women serving in the armed services. Without intervention, those 15 million would have no jobs or opportunities when they returned home. To

prevent postwar depression caused by mass unemployment, an agency within the Administration, called the National Resource Planning Board, recommended a set of programs to provide education, training and employment for returning soldiers. One of these recommendations became the Servicemen's Readjustment Act of 1944, which was supported by the American Legion and other veteran organizations, and was unanimously passed both chambers of Congress. President Franklin D. Roosevelt signed it into law on June 22, 1944.

This bill became know as GI bill, and it provided a range of benefits to help veterans reintegrate into the workforce and American society. It provided education and training; loan guaranty for a home, farm, or business; unemployment pay for up to a year; job-search assistance; building materials for veterans hospitals; and military review of dishonorable discharges.

Veterans were entitled to one year of full-time education or training, plus a period equal to their time in service, up to four years. This program had a tremendous impact on college enrollment in this country. In fact, in 1947, which was the peak year of the program, veterans accounted for 49 percent of college enrollment.

Out of a veteran population of 15.4 million, just over half—7.8 million—were trained, including 2.23 million in college, 3.48 million in other schools, 1.4 million in on-job training, and 690,000 in farm training.

Millions of veterans, who would have flooded the labor market, instead opted for education, which reduced joblessness during the demobilization period. When they did enter the labor market, most were better prepared to contribute to the support of their families and society.

The GI bill created an initiative called the Local Veterans Employment Representative Program, or LVER. This program hired wartime veterans to work in employment centers across the U.S. to help other veterans secure counseling and employment. For 60 years, the LVER Program has helped veterans find jobs, training, and education. It has become an integral part of employment services and has been instrumental in helping veterans to resume normal lives after returning.

Today, LVER staff in my home State include some of the best-trained worker placement and retraining experts in the country. For Washington, which has one of the largest concentrations of servicemen and women, veterans, and their families, this is very important. Within my state, Pierce County has a particularly high active military and veteran population, and the LVER program there is a terrific example of what is possible.

The Pierce County LVER program ensures that over 25,000 veterans receive the vital re-employment support they deserve. With staff assistance, they write resumes that reflect the breadth of their experience and skills, draft cover letters, and research employment opportunities. Veterans are also provided with leads on specific jobs and employers who seek the unique skills and talents of experienced veterans.

Staff of the Pierce County LVER also set up three major job fairs each year, which attract over more than 6,000 veterans and employers each year. The LVER office coordinates its activities with over 500 local, State, and national employers, giving veterans access to a unique national support network. The LVER staff includes men and women like Sam Mack, Sal Cantu, Tanya Brewster, and Vicki Bishop, all of whom are decorated veterans who are proud to support their fellow servicemen and women.

Sal Cantu, a resident of Pierce County, epitomizes the dedication and commitment of his colleagues. Sal coordinated a national effort to not only celebrate the GI bill, but specifically to recognize the LVER program and its tremendous impact on service members who seek meaningful employment once they return home. More than 25 State governors wrote letters lauding the efforts of the Pierce County LVER staff to recognize the significant impact of their program.

Most importantly, Sal, a 40 percent-disabled Vietnam era veteran, knows how to build trusting and lasting relationships with veterans. For him, helping veterans chart the next stage of their careers is a labor of love. I am extremely proud of the many men and women like Sal who, after serving honorably in the military, have made it their second career to support and help locate jobs for their fellow veterans.

Yet before the Servicemen's Readjustment Act of 1944, the United States did not provide employment or vocational services for veterans upon their completion of military service. Since the first GI bill, there have been five subsequent programs enacted to provide benefits to veterans of other military conflicts—from the Korean conflict to the war in Iraq. The most recent bill, the Montgomery GI bill enacted in 1985, is the largest contemporary program providing education benefits to military personnel. All enlisted soldiers and veterans are eligible for between $7,500 and $35,000 in educational aid. This program has attracted men and women into the armed forces by helping to pay for college. Today, over 90 percent of those who enter the military enroll in the Montgomery GI bill program.

As we reflect on the history and success of the GI bill, we should consider how this program can translate to all Americans. The spirit of the GI bill that in exchange for contributing to society, this country should help individuals invest in themselves also holds true for those who have not served in the military. As the cost of education rises, many low- and middle-income students—whether they have served in the military or not need help covering educational expenses. We need to make the same kind of investment in the human capital, not just of our veterans returning from Iraq and Afghanistan, but for all Americans. We need a GI bill for all Americans.

In the ever-changing global economy, the success of our companies depends on adaptability and innovation. As a result, we must change the way we educate and prepare workers to compete in the global economy. When national leaders were confronted with fundamental changes in the size and nature of the country's workforce following World War II, they stepped up to address the challenge with the GI bill. The economic sea changes we face today demand a similar response.

To maintain our economic competitiveness, we must keep up with the demand for skilled workers across all sectors of the economy. The changing economy has increased the demand for a college degree. In February, the Bureau of Labor Statistics reported that 6 of the 10 fastest-growing occupations in the U.S. economy require an associate's degree or bachelor's degree, and that all ten of these careers will require some type of skills training. By 2010, 40 percent of all job growth will require some form of post-secondary education.

To keep pace in the new, knowledge- and information-based economy, it's imperative that we equip our workforce with the skills to succeed in high-wage jobs. If we fail, those who lack skills will fall further and further behind, imperiling not just their individual futures, but America's ability to compete in the global economy.

It is the responsibility of this body to return to the level of investment in higher education that this country made 60 years ago. We do need a new GI bill for all Americans, and I, for one, intend to fight to make the idea of universal post-secondary education come to fruition.

ADDITIONAL STATEMENTS

TRIBUTE TO TOBY GROSSMAN

• Mr. BINGAMAN. Mr. President, I take this opportunity to share with the Senate the memory of an extraordinary woman. Toby Grossman, of Albuquerque, NM, lost her battle with cancer on May 25, 2004. Her husband, Leonard, and daughter, Jennifer, survive her.

Ms. Grossman was the senior staff attorney at the American Indian Law Center, Inc, the oldest existing Indian-controlled and operated legal and public policy organization in the country, having joined the center in 1971. She also served as the administrator of the Southwest Intertribal Court of Appeals, a voluntary court of appeals available to tribes in Arizona, Colorado, New Mexico, and west Texas.

Ms. Grossman was a graduate of the University of Florida and the University of New Mexico School of Law, and

a member of the New Mexico Bar. A lecturer at the UNM School of Law, she regularly taught courses on the Indian Child Welfare Act and tribal government and she co-taught a course on Tribal-State relations. Ms. Grossman was a superb teacher. In class, she was serious, probing and enthusiastic. She set high standards for herself and expected the same from her students. Yet she was also friendly and caring in her relations with students, many of whom she remained close with long after they graduated.

She specialized in child welfare issues including child abuse and neglect, drafting of tribal codes, as well as assisting several tribes in negotiating Tribal-State agreements on the Indian Child Welfare Act and trained social workers and judges on child welfare law. She also led the American Indian Law Center team that developed the first Model Children's Code for tribes, as well as Model Codes for Child Welfare, Adoption, and Prevention of Elder Abuse. In these and other areas, local, State and tribal governments, as well as attorneys, frequently sought her advice and services.

Ms. Grossman's private life was no less exemplary than her public work. She was a good friend and was devoted to her synagogue. Despite the long hours she devoted to her professional and civic activities, she always found time to be a loving wife, mother, and friend.

Toby Grossman was a remarkable person, who significantly influenced the law, her many students, the New Mexico legal community, and all of Indian country. Her work has improved the lives of numerous Indian children, most of whom she never had a chance to meet. She leaves behind an indelible mark on this world.●

CELEBRATING ST. CROIX ISLAND, MAINE

● Ms. SNOWE. Mr. President, today I mark the celebration of the 400th anniversary of the settlement of St. Croix Island, in Calais, ME, one of the earliest European settlements in North America. It is an extraordinary site with a remarkable story to tell—a narrative overflowing with adventure, courage, risk, and a very special friendship between the Native tribes who peopled this region long ago and the pioneers who crossed an ocean in pursuit of opportunity, prosperity, and freedom.

There is an old Sioux proverb: ''A People without History is like Wind in the Buffalo Grass.'' When expedition leader Pierre Dugua and his company of 120 settlers arrived on the shores of what is now the great State of Maine, the First Peoples, the ''People of the Early Dawn,'' or Wabanaki, had already occupied these lands for thousands of years. Nevertheless, they came out of their villages with open hearts and open hands to welcome Dugua and the 120 noblemen, artisans, and soldiers who had sailed with Dugua across the Atlantic from their native France.

At that moment, the European settlers began to craft a new history for this place they called ''Acadie.'' But it is important to remember that the Native Peoples, the Wabanaki, had already authored their own, proud history of North America, although it has taken us, in some cases, all too many years to understand that. That the Native tribes welcomed Dugua and his followers speaks to one of the noblest aspects of human nature—an instinct to reach out to men and women in need, to our human neighbors, whenever we can help, whether they live across the street, or across the world. Certainly, that generous impulse lives on today among the members of the Passamaquoddy Nation.

The historical bond between the Native Peoples is also one to celebrate and remember. The lives and personalities of the people in this region continue to be shaped, generation after generation, by the history, legends, and purpose forever invested in this coastal stone and soil by Pierre Dugua and his companions, one of whom was the great Samuel Champlain, the ''Father of Canada.'' Let us not forget that 23 of the original French settlers remain interred on this island today, making this a sacred, as well as a historical, site.

After four centuries, the settlement of St. Croix remains a powerful lesson, a parable that is not only about a journey of a thousand miles, beginning with a single step, but also about the extraordinary ability of diverse cultures to support and enrich one another, and, in the end, to create new cultures, new peoples who bring unique and singular strengths to the never-ending, universal campaign to build a peaceful and prosperous world.●

TRIBUTE TO REVEREND BOBBY WELCH

● Mr. SESSIONS. Mr. President, I would like to take this opportunity to recognize Reverend Bobby Welch, a native of Fort Payne, AL. Recently, Reverend Welch was elected President of the 16.3 million member Southern Baptist Convention. A 1965 graduate of Jacksonville State University, Reverend Welch entered the Army and was sent to fight in Vietnam, where he demonstrated his bravery and commitment to our great Nation. Reverend Welch was shot by Vietnamese forces and left for dead on the battlefield. This United States paratrooper, Ranger, and Green Beret received a Bronze Star and Purple Heart in recognition of his courage and service.

The achievements of Reverend Welch demonstrate the leadership qualities of Americans. Reverend Welch has upheld the principles of our Founding Fathers through his military service to his country. His courage in harm's way mirrors that of the brave soldiers who now risk their lives daily for the maintenance of democracy.

After his military service, he chose to answer his highest call, the Christian ministry. He has poured himself into that calling with conviction and zeal, and the harvest has been tremendous. He now pastors the 4,000 member First Baptist Church of Daytona Beach, FL. And, now, his Southern Baptist Convention has chosen him as their president.

His leadership of this vibrant and growing denomination will continue its success in touching the lives of millions who are struggling to find meaning in their lives. This denomination every day provides aid, comfort, purpose, and hope to people that are hurting and in need. They help those who are sick and dying, those with marital problems, those in jail, those with alcohol and drug problems. They sanctify marriage, celebrate births, and provide solace at times of death and loss. They further these goals through a worldwide ministry. They provide specific advice and financial help and a vision of an new and better life in Christ. That's what they do—and they do it every day. And they do it without government aid or direction. They do it also with fidelity, as they understand it, to the Word contained in the Holy Scriptures. Faithfulness to righteous living, even in times of corruption and excess, has always been a cornerstone of the Baptist way and it has benefitted our Nation in far more ways than we can list. So, it is appropriate that we pause a moment to recognize Reverend Welch and his life and the many contributions of the Baptist denomination he leads.●

TRIBUTE TO DAVID HENRY, SR. AND DAVID HENRY, JR.

● Mr. SESSIONS. Mr. President, I wish to recount a special discovery made recently in south Georgia by a Birmingham constituent of mine. The discovery was of a letter dated April 8, 1943, that was sent from a 24-year-old Alabama soldier serving in North Africa to his newborn son back home. A world war was raging and the letter's author, David Henry, Sr., of Roanoke, AL, was concerned that he might never get to see his newborn son. It is a special letter, indeed, sent from another continent and reflecting the essential values and life's lessons that Mr. Henry wanted to impart to his 3-month-old son, David Henry, Jr. Among other things, the letter tells young David about the value of choosing work you enjoy, developing a love of reading, finding a hobby, and guarding against greed and selfishness.

Fortunately, Mr. Henry, Sr., survived the war and returned home to his wife and young son. The letter and the penned wisdom, however, has lain dormant for more than 60 years. Mr. Henry, Jr., discovered the letter recently while cleaning out his parents' house in south Georgia. Mr. Henry's dad died this past February. Mr. Henry sent me a copy of his father's letter,

urging that it be used in some productive way. I found the lessons and wisdom in the letter profound, and as relevant today as they were in 1943. I forwarded the letter to The Birmingham News, which ran a timely and touching Page 1 story on May 29, 2004, over the Memorial Day weekend.

Written far away from his home and loved ones, Mr. Henry, Sr.'s, letter truly reflects the thoughts of a young man wise beyond his years. I ask consent that the letter and the accompanying newspaper article by Birmingham News reporter Carla Crowder be printed in the RECORD, so that all can benefit from its timeless wisdom.

The material follows:

(North Africa, April 8, 1943)

''My Dear Son:

''This is the first letter your dad has ever written you, and I expect it will be the last until I see you. Today you are almost three months old. Tomorrow will be your birthday, and I can only say 'Happy birthday, son.'

''When you were born I was a long, long way from your mother doing my little part toward preserving the freedom of our country. Had there been no war, nothing could have kept me from being with your mother on January the ninth. There was a war, though, and I am glad that I can say that I had a part toward making our country a safe place so that our mothers can live in peace and comfort.

''There are lots of things I have learned in the past few years, things that I would like for you to know and things that I am sure you will find to be true as you grow older.

''If I were asked to make an eleventh commandment I think I should say. 'Thou shall not be selfish.' You will find as the years roll by that it is very hard to keep from being selfish. In this greedy world of ours we run over each other trying to get, we know not what, but with the idea that we must get it before the other fellow does. We do not know when we have enough. We never want to turn anything loose, even if we do not need it. We always want more if we have no place to put it. I think that the first lesson toward happiness is to learn to share what you have with some one else.

''I should like for my son to know how to work and to enjoy it. I think that the secret toward learning to like to work is to believe that you can do your job just a little better than anyone else. I think that every successful man enjoys hard, strenuous outside work as much or maybe more than the office. Start early, learn to cut wood, learn the art of rolling a wheelbarrow or how to handle a hoe. Take long walks. Like through wooded country and by all means never miss a rabbit hunt.

''Begin early to read. Always have something in your pocket to read while waiting on a bus or while trying to go to sleep. Reading is knowledge and knowledge is success.

''Until you are one hundred years old, never be without a hobby. If you are interested in woodwork, then you shall have a shop before you are 10 years of age. If you are interested in radio, then you shall have any type of equipment to tinker with that you wish. Gather information from every source possible. Gather reading material from every place where you might find it. What you learn from your hobbies goes a long way toward your success in life.

''Learn early to make friends. Always remember that you cannot buy real friendship. Remember that a real friend is one of the most valuable possessions a person may have. Learn new names, new faces, facts about people. Learn to really know people.

''There is quite a bit of difference between saving and being selfish. If a person should throw something away, and you come along and save it until you need it, than that would be saving. If you have something you do not need and you throw it away, even though you know someone else might be able to use it, then you are being selfish. Learn to appraise an article, and if it has a value, then save it. Remember what it is and where it is, so that when you or someone else needs it you will be able to find it. Learn to save money. Put it where it can be used. Do not hide it so that no one else can use it.

''One of the most important things that I want my boy to know is that it always pays to be honest. No matter how small or how insignificant, it always pays to tell the truth. Be honest, do not take that which does not belong to you. Do not bother with other people's things. However deep you get in trouble, go to someone, tell them the truth and you will find the easiest way out.

''Very soon you will make a trip from Birmingham to Roanoke, a distance of about one hundred and twenty miles. That is farther away from home than I was until I was about 19 years old. You will learn as you grow older that a city is a city whether it is in Alabama, Georgia, New York, England or Africa. I want you to travel early, to find out what it took me years to find out, that every country has its hills and dells, its rivers and branches, its oceans and seas. That you can find all sorts of people in any country, city or village. Never-the-less I want you to travel a lot, see the world. See for yourself that all people want a chance for freedom, a chance to worship as they choose, a chance to talk as they choose and a chance to earn their own living.

''Your loving Dad''

DAVID P. HENRY.

[From the Birmingham News, May 29, 2004]

AFTER 61 YEARS, SON GETS LESSONS TO LIVE BY

(By Carla Crowder)

He was only 24 years old, a small-town Alabama man serving in North Africa in World War II. But David Henry Sr. had a lot to say back then as he penned a letter to his newborn son.

''This is the first letter your dad has ever written to you, and I expect it will be the last until I see you. Today you are almost three months old,'' the letter begins.

It is dated April 8, 1943, Sixth-one years later, David Henry Jr. read his father's words.

For the first time.

His mother apparently forgot to pass the letter along, and he had no idea it existed. ''With seven children, and us moving around a lot, a lot of things just got packed up, pictures and letters,'' he said.

What he uncovered while going through his parents' belongings last fall revealed a young father wise beyond his years.

''It meant so much to me to be able to hear what he thought was important, and the things he mentioned in there contained such wisdom for a young person,'' said Henry Jr., 61, who works as director of information services for American Cast Iron Pipe Co. ''It was so important, I just want to share it with the world.''

Henry Jr. was a toddler when his father returned from the war. His parents had grown up in Roanoke in Randolph County, but lived throughout the Southeast while his father was in the military.

The 1943 letter extols the value of honesty, friendship and hard work, as might be expected. But it goes much further.

''You will find as the years roll by that is it very hard to keep from being selfish. In this greedy world of ours, we run over each other trying to get, we know not what, but with the idea that we must get it before the other fellow does . . . I think the first lesson toward happiness is to learn to share what you have with someone else,'' his father wrote.

This advice was no surprise, Henry Jr. said.

His father once dropped the price of some property he was selling, right at closing time, much to the surprise of the buyer and the lawyers in the room. ''I feel like I'm overcharging you,'' he told the buyer.

After his father retired from the Air Force and the U.S. Postal Service, he began cutting limbs and trees, ''big old water oak trees,'' down in southwest Georgia where he lived. He charged next to nothing. ''He probably cut trees for half the widows in Bainbridge,'' his son said.

There's a bit of that in the letter as well.

''Learn to cut wood, learn the art of rolling a wheelbarrow or how to handle a hoe. Take long walks. Hike through rough wooded country,'' it reads.

He encouraged his boy to never be without a hobby. Henry Jr. loves photography.

He encouraged travel.

''You will learn as you grow older that a city is a city whether it is in Alabama, Georgia, New York, England or Africa,'' it says. ''See for yourself that all people want a chance for freedom, a chance to worship as they choose, a chance to talk as they choose and a chance to earn their own living.''

Henry Jr. took that advice as well. He recently returned from a trip to Morocco, where he tried to seek out places his father might have been during the war.

By the time the letter was discovered, the hopeful young airman was dying from dementia in an assisted living center.

Though the son could not determine how much his father understood, he had to tell him what he'd found.

''But he didn't understand, he couldn't communicate with me about it,'' Henry Jr. said. ''I did talk to him about it, and I thanked him for it.''

He read the letter at his father's funeral in February, and everyone in the church told him ''that's exactly how dad was.''●

PRESIDENT'S REPORT TO CONGRESS CONCERNING THE SECRETARY OF COMMERCE'S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN'S PROTECTIVE ACT OF 1967, AS AMENDED (THE ''PELLY AMENDMENT'') (22 U.S.C. 1978) THAT ICELAND HAS CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION PROGRAM—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On June 16, 2004, Secretary of Commerce Donald Evans certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the ''Pelly Amendment'') (22 U.S.C. 1978), that Iceland has conducted whaling activities

that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

The certification of the Secretary of Commerce is the first against Iceland for its lethal research whaling program. In 2003, Iceland announced that it would begin a lethal research whaling program and planned to take 250 minke, fin, and sei whales for research purposes. The United States expressed strong opposition to Iceland's decision, in keeping with our longstanding policy against lethal research whaling. Iceland's proposal was criticized at the June 2003 IWC Annual Meeting by a majority of members of the IWC Scientific Committee, and the IWC passed a resolution that urged Iceland not to commence this program. In addition, the United States, along with 22 other nations, issued a joint protest asking Iceland to halt the program immediately. The United States believes the Icelandic research whaling program is of questionable scientific validity. Scientific data relevant to the management of whale stocks can be collected by non-lethal techniques. Since Iceland's 2003 announcement, Iceland reduced its proposed take to 38 minke whales and in implementing its lethal research program, killed 36 whales last year. For this year, Iceland has proposed taking 25 minke whales. The United States welcomes this decision to reduce the take and to limit it to minke whales, and we appreciate Iceland's constructive work with the United States at the IWC on a variety of whaling issues. These adjustments, however, do not change our assessment that Iceland's lethal research whaling program is of questionable scientific validity and diminishes the effectiveness of the IWC's conservation program.

In his letter of June 16, 2004, Secretary Evans expressed his concern for these actions, and I share these concerns. I also concur in his recommendation that the use of trade sanctions is not the course of action needed to resolve our current differences with Iceland over research whaling activities. Accordingly, I am not directing the Secretary of the Treasury to impose trade sanctions on Icelandic products for the whaling activities that led to certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing U.S. delegations attending future bilateral meetings with Iceland regarding whaling issues to raise our concerns and seek ways to halt these whaling actions. I am also directing the Secretaries of State and Commerce to keep this situation under close review and to continue to work with Iceland to encourage it to cease its lethal scientific research whaling activities. I believe these diplomatic efforts hold the most promise of effecting change in Iceland's research whaling program, and do not believe that imposing import prohibitions would further our objectives.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2004*.

MESSAGES FROM THE HOUSE

At 2:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 884. An act 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.

H.R. 3706. An act to adjust the boundary of the John Muir National Historic Site, and for other purposes.

H.R. 3751. An act 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.

H.R. 3797. An act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

H.R. 3846. An act 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.

H.R. 4222. An act 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''.

H.R. 4363. An act to facilitate self-help housing homeownership opportunities.

H.R. 4471. An act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

The message also announced that the House has passed the following bill, without amendment:

S. 2017. An act 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''.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 450. Concurrent resolution 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.

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, once of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4589. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3706. An act to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3751. An act 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; to the Committee on Governmental Affairs.

H.R. 3797. An act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes; to the Committee on Governmental affairs.

H.R. 4222. An act 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''; to the Committee on Governmental Affairs.

H.R. 4363. An act to facilitate self-help housing homeownership opportunities; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4471. An act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs with instructions that when the Committee reports, the bill be referred pursuant to the order of May 27, 1988, to the Committee on Banking, Housing, and Urban Affairs for a period not to exceed 60 days.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 450. Concurrent resolution 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; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 884. An act 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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Thomas Fingar, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

*James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

*Adam Marc Lindemann, of New York, to be Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

*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, to be a Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

*Walid Maalouf, 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.

*Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, 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.

*Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, 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.

*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, a Career Member of the Senior Foreign Service, Class of Career Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Joseph Dewey Stafford, III.

Post: U.S. Embassy, Abidjan.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses: David M. Stafford, none.

4. Parents: Joseph D. Stafford, Jr., none; Barbara S. Stafford (deceased).

5. Grandparents: Joseph D. Stafford (deceased); Lela Stafford (deceased).

6. Brothers and Spouses: Richard M. Stafford (unmarried), none.

7. Sisters and Spouses: Janet E. Stafford (unmarried), none.

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*Lewis W. Lucke, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lewis William Lucke.

Post: Swaziland.

Contributions, amount, date, and donee:

1. Self, $250, 7/99, George W. Bush.

2. Spouse: Joy Lucke, $250, 7/99, George W. Bush.

3. Children and Spouses: Allison Lucke, 0; Lindsay Lucke, 0; Austin Lucke, 0;

4. Parents: Everett Lucke, deceased; Elizabeth K. Lucke, deceased;

5. Grandparents: Elizabeth King, deceased; Hurley H. King, deceased; Everett Lucke, deceased; Leanette D. Lucke, deceased.

6. Brothers and Spouses: NA.

7. Sisters and Spouses: Anne J. Lucke, 0; Don Robertson, 0.

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*R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, $25, 2002, Mike Clancy.

2. Spouse: Judith Marquardt, none.

3. Children and Spouses: Kaia, Kelsey, Torrin and Yannika (all single). none.

4. Parents: Robert Marquardt (deceased); Helen Marquardt, none.

5. Grandparents: Frank and Gurina Marquardt (both deceased); Charles and Inga Nielsen (both deceased).

6. Brothers and Spouses: no brothers.

7. Sisters and Spouses: Inga (and Jack) Canfield, approximately $10,000 in total contributed over past ten years to Al Gore, Bill Clinton, Louise Capps, the DNC, and John Vasconcelles; Lucinda (and Gene) Scalco, none.

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*Charles P. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Charles Parker Ries.

Post: Greece.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Marcie B. Ries, none.

3. Children: Alexander B. Ries, none; Meredith B. Ries, none.

4. Parents: Al Ries (father), none; Lois Faison Cope (mother), $200, 2000, Bush for President Committee; $380, 2001, Hawaii Republic Committee; $120, 2003, National Republican Senate Fund; $100, 2003, Republican National Committee.

5. Grandparents, none.

6. Brothers and Spouses, none.

7. Sisters and Spouses: Dorothy Meder (sister) and Stephen Meder (brother in law), none.

Barbara Tien (sister) and Lee Tien (brother in law), $120, 2000, California Peace Action League; $100, 2000, CALPRIG; $100, 2002, Doctors without Borders; $200, 2003, Howard Dean; $115, 2003, Forests Forever; $120, 2003, Environment C.A.; $100, 2003, Doctors without Borders; $35, 2004, Human Rights Campaign; $180, 2004, CA Peace Action League.

Laura Ries (half sister) and Scott Brown (brother in law), $50, 2003, Georgia Republican Party.

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*James B. Cunningham, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James B. Cunningham.

Post: Representative to Vienna Office of the UN.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children: Emma, none; Abigail, none.

4. Parents: Blair, deceased; Julia, deceased.

5. Grandparents: Knowles, deceased; Cunningham, deceased.

6. Brothers and Spouses: Thomas, none; William, estranged, believe none.

7. Sisters and Spouses: Carol, none; Kathleen, deceased.

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*Suzanne Hale, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Suzanne Hale.

Post: Federated States of Micronesia.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Hunter D. Hale, none. However, in order to obtain mailings in presidential election years, my husband, who is an independent, has sent small amounts of money (less than $35 each) to both the Republican and Democratic National Committees.

3. Children and Spouses: Hunter A. Hale, none; Mary Catherine Hale, none.

4. Parents: John Kreitner, deceased; Vivian Kreitner, none.

5. Grandparents: Albert and Aline Kreitner, deceased; Glen and Martha Marks, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses: Nancy McIver, none; Joanne Fitzgerald, none; Richard Fitzgerald, none.

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*William R. Brownfield, of Texas, a Career Member of the Senior Foreign sService, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

(The following is list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Kristie A. Kenney, none.
3. Children, none.
4. Parents: Father—Albert R. Brownfield, Jr., $25, 1999, Repub. Party of Texas; $100, 9/99, John McCain Campaign; $50, 10/99, Ronald Reagan Found.; $50, 10/99, RNC; $150, 2000, Repub. Party of Terry County, Texas; $30, 2000, Repub. Party of Texas; $100, 7/00, RNC; $50, 8/00, Ronald Reagan Found.; $100, 10/00, Ronald Reagan Found.; $50, 10/00, RNC; $35, 10/00, Bush Pres. Campaign; $50, 12/00, RNC; $50, 1/01, RNC; $30, 1/01, Ronald Reagan Found.; $30, 4/01, Ronald Reagan Found.; $50, 2001, Repub. Party of Texas; $100, 2002, Repub. Party of Texas; $100, 2002, RNC; $100, 2002, Governor of Texas; $100, 2003, Repub. Party of Texas; $100, 2003, RNC; $100, 2003, George W. Bush.
Mother—Virginia E. Brownfield; Deceased.
5. Grandparents: All deceased for more than 30 years, none.
6. Brothers and spouses: Albert R. Brownfield, III, $150, 1999, Democratic Party, Shenandoah County, Virginia; $150, 2000, Democratic Party, Shenandoah Cnty, VA; $100, 2002, Demo. Party of VA; $100, 2002, Demo. Party of VA; $100, 2003, Demo. Party of VA.
Brother's spouse—Marcia T. Brownfield, none.
7. Sisters and spouses: Barbara B. Rushing and Francis W. Rushing, none; Anne Elizabeth Fay and Christopher W. Fay, none.

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*Ralph Leo Boyce, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ralph L. Boyce, Jr.
Post: Ambassador to Thailand.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse: Kathryn S. Boyce, none.
3. Children and Spouses: Matthew S. Boyce, none; Heather Boyce (spouse), none; Erin Boyce, none.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Elizabeth Emory, none; Robert Emory (spouse), none.

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*John Marshall Evans, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Marshall Evans.
Post: AEP to Armenia.
Contributions, Amount, Date, Donee:
1. Self, none.
2. Spouse: Donna Evans, none.
3. Children and Spouses: Mr. and Mrs. Alexander Drosin (daughter Jennifer), none.
4. Parents: Margaret M. Evans; Frank B. Evans III (deceased), none.
5. Grandparents: Mr. and Mrs. Harold T. Moore (deceased); Mr. and Mrs. Frank B. Evans, Jr. (deceased), none.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Mr. and Mrs. J. Kennerly Davis (sister Ann Evans Davis): $195, 2003, RNC; $175, 2003, Bush/Cheney/04; $65, 2002, RNC; $20, 2001, RNC; $130, 2000, RNC.

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*John D. Rood, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Darrell Rood.
Post: Ambassador to the Bahamas.
Contributions, amount, date, and donee:
1. Self: $1,000.00, 3/9/00, Crenshaw, Ander via Crenshaw for Congress; $5,000.00, 3/15/00, Americans Nationwide Dedicated to Electing Repubnlicans PAC (ANDER); 3/31/00; Gallagher, Tom via Tom Gallagher for U.S. Senate (JDR Note 1); −$1,000.00, 5/10/00, Gallagher, Tom via Tom Gallagher for U.S. Senate (JDR Note 2); $1,000.00, 5/10/00, Gallagher, Tom via Tom Gallagher for U.S. Senate (JDR Note 3); −$1,000.00, 6/16/00, Gallagher, Tom via Tom Gallagher for U.S. Senate (JDR Note 4); $1,000.00; 8/9/00, Republican National Committee; $1,000.00, 8/15/00, Lazio, Rick A. via Lazio 2000, Inc. (New York); $1,000.00, 8/15/00, National Republican Congressional Committee Contributions; $10,000.00, 8/31/00, Republican National Committee; $1,000.00, 9/6/00, Carroll, Jennifer Sandra via Friends of Jennifer Carroll (JDR Note 5); $1,000.00, 9/29/00, McCollum, Bill via Bill McCollum for U.S. Senate; $700.00, 1/8/01, Republican Party of Florida; $250.00, 2/2/01, Republican Party of Florida; $12,252.00, 2/8/01, RNC State Elections Committee; $500.00, 10/10/01, Warner, John William via Senator John Warner Committee (Virginia); $500.00, 10/19/01, Harris, Katherine via Friends of Katherine Harris; $1,000.00, 6/25/02, Brown-Waite, Virginia via Brown-Waite for Congress; $500.00, 9/23/02, National Apartment Association PAC (NAA PAC); $1,000.00, 10/15/02, Alexander, Lamar via Alexander for Senate, Inc. (Tennessee); $5,000.00, 10/18/02, Republican Party of Florida—Federal Campaign Committee; $250.00, 11/5/02, Diaz-Balart, Mario via Mario Diaz-Balart for Congress; $1,000.00, 6/23/03, Crenshaw, Ander via Crenshaw for Congress; $2,000.00, 6/30/03, Bush, George W. via Bush-Cheney '04, Inc.; $1,000.00, 7/28/03, Hunter, Duncan via Committee to Re-Elect Congressman Duncan Hunter (California); $2,000.00, 9/26/03, Byrd, Johnnie B. via Friends of Johnnie Byrd; $2,000.00, 9/30/03, Kilmer, Bev via Bev Kilmer for Congress; $25,000.00, 11/13/03, Republican National Committee—Presidential Trust; $1,000.00, 12/15/03, Byrd, Johnnie B. via Friends of Johnnie Byrd (JDR Note 6); $500.00, 12/15/03, National Apartment Association PAC (NAA PAC); $2,000.00, 1/14/04, Mel Martinez Campaign; $1,000.00, 1/15/04, Weldon, Dave via Dave Weldon Campaign; $25,000.00, 3/25/04, Republican National Committee—Presidential Trust.

JDR Note 1—Contribution for primary election.

JDR Note 2—Primary contribution was subtracted and redesignated for general election.

JDR Note 3—Redesignated funds from primary election.

JDR Note 4—Contribution refund by campaign.

JDR Note 5—Federal records show an additional contribution made by ''John D. Rood''. However, this contribution was actually made by Jamie A. Rood and incorrectly attributed to John D. Rood. See Jamie Rood, below.

JDR Note 6—Redesignated for general election.

2. Spouse: Jamie A. Rood, $1,000.00, 6/30/00, Crenshaw, Ander via Crenshaw for Congress Campaign; $500.00, 10/2/00, Carroll, Jennifer Sandra via Friends of Jennifer Carroll (JAR Note 1); $1,000.00, 10/29/01, Crenhsaw, Ander via Crenshaw for Congress Campaign; $500.00, 11/15/01, Nelson, Bill via Bill Nelson for U.S. Senate; $1,000.00, 10/15/02, Alexander, Lamar via Alexander for Senate, Inc.; $1,000.00, 6/30/03, Bush, George W. via Bush-Cheny '04, Inc.; $2,000.00, 9/26/03, Byrd, Johnnie B. via Friends of Johnnie Byrd; $1,000.00, 3/25/04, Byrd, Johnnie B. via Friends of Johnnie Byrd (JAR Note 2); $25,000.00, 3/25/04, Republican National Committee—Presidential Trust.

JAR Note 1—This contribution was erroneously attributed to John D. Rood instead of Jamie A. Rood. Check records indicate that Jamie A. Rood signed the contribution check.

JAR Note 2—For general election.

3. Children and spouses: Jennifer A. Rood (daughter), $2,000.00, 9/15/03, George W. Bush via Bush-Cheney '04, Inc.; $2,000.00, 9/26/03 Johnnie B Byrd via Friends of Johnnie Byrd.
Christopher J. Rood (son), $2,000.00, 9/26/03, Johnnie B Byrd via Friends of Johnnie Byrd.
4. Parents: Karol K. Rood (mother), $2,000.00, 6/30/03, George W. Bush via Bush-Cheney '04, Inc.
J. Neil Rood (father), $2,000.00, 6/30/03, George W. Bush via Bush-Cheny '04, Inc.
5. Grandparents: John William Rood (paternal grandfather—deceased); Marie Gertrude Rood (paternal grandmother—deceased); Henry Richard Peterson (maternal grandfather—deceased); Corinne Foley Peterson (maternal grandmother—deceased).
6. Brothers and spouses: none.
7. Sisters and spouses: Sheryl K. Roach (sister), none during reporting period.
Sheila Rae Barnette (sister), none during reporting period.
Jack T. Barnette (spouse of Sheila Rae Barnette), none during reporting period.
Frank A. Roach (spouse of Sheryl K. Roach), none during reporting period.

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*Tom C. Korologos, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Nominee: Tom Chris Korologos.
Post: U.S. Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:
1. Self: 1/28/2000, $1,000, Friends of Conrad Burns; 2/8/2000, $1,000, Mike Bilirakis for Congress; 2/15/2000, $1,000, Ashcroft for Senate; 3/31/2000, $1,000, McCollum for Senate; 4/4/2000, $1,000, The Bluegrass Committee −$1,000 (Refund); 4/4/2000, $1,000, Fitzgerald for Senate; 4/26/2000, $1,000, Straight Talk America (McCain); −$1,000 (Refund); 6/20/2000, $1,000, Lazio for Senate; 6/27/2000, $1,000, Otter for Idaho (Craig); 10/27/2000, $1,000, RNC.
3/12/2001, $1,000, Ohio's 17 Star PAC (DeWine); 3/30/2001, $1,000, America's Foundation FKA Fight PAC; 3/30/2001, $1,000, Mike Bilirakis for Congress; 4/18/2001, $1,000, Northern Lights PAC (Stevens); 4/25/2001, $1,000, Stevens for Senate (W/N); 4/25/2001, $1,000, Wayne Allard for U.S. Senate (W/N); 4/25/2001, $1,000, Collins for Senator (W/N); 4/25/2001, $1,000, Friends of Sessions Senate Cte (W/N); 4/25/2001, $1,000, Sen John Warner Cte (W/N); 4/25/2001, $1,000, Friends of Jim Inhofe (W/N); 4/25/2001, $1,000, McConnell Senate Cte '02 (W/N); 4/25/2001, $1,000, People for Pete Domenici (W/N); 4/25/2001, $1,000, Friends for Phil Gramm (W/N); 4/25/2001, $1,000, Pat Roberts

for Senate (W/N); 4/25/2001, $1,000, Gordon Smith for U.S. Senate (W/N); 5/16/2001, $1,000, Bob Smith for Senate; 6/4/2001, $1,000, Citizens for Cochran; 6/4/2001, $1,000, Coleman for Sen. Explor. Cte.; 6/25/2001, $1,000, Inouye for Senate; 11/6/2001, $1,000, Lindsey Graham for USS; 10/26/2001, $1,000, Senate Majority Fund; 10/9/2001, $1,000, Friends for Phil Gramm −$1,000 (Refund); 10/26/2001, $1,000, Hutchinson for Senate; 2001, $1,000, Natl Republican Sen Dinner; 11/2/2001, $1,000, Dole 2002 Committee (NC); 11/5/2001, $1,000, NRSC; 2/1/2001, $4,000 Republican National Cte; −$4,000 (Refund).

11/20/2002, $1,000, America's Foundation FKA Fight PAC; 1/15/2002, $1,000, Bennett Election Committee.

1/29/2003, $1,000, Shelby for U.S. Senate; 1/29/2003, $1,000, Preserving America's Traditions (PATPAC); 2/19/2003, $1,000, Northern Lights PAC (Stevens); 3/17/2003, $1,000, Northern Lights PAC (Stevens); 3/12/2003, $1,000, America's Foundation FKA Fight PAC; 3/17/2003, $1,000, Hatch Election Committee; 4/22/2003, $1,000, Bennett Election Committee (W/N); 4/22/2003, $1,000, Missourians for Kit Bond (W/N); 4/22/2003, $1,000, Brownback for U.S. Senate (W/N); 4/22/2003, $1,000, Citizens for Bunning (W/N); 4/22/2003, $1,000, Campbell for Colorado (W/N); 4/22/2003, $1,000, Crapo for U.S. Senate (W/N); 4/22/2003, $1,000, Grassley Committee (W/N); 4/22/2003, $1,000, Judd Gregg Committee (W/N); 4/22/2003, $1,000, Lisa Murkowski for Senate (W/N); 4/22/2003, $1,000, Friends of Sen Nickles (W/N); 4/22/2003, $1,000, Citizens for Arlen Specter (W/N); 1/8/2003, $1,500, DC Republican Committee Federal Campaign Committee; 12/5/2003, $5,000, RNC Chairman's Advisory Council.

3.2004, $2,000, Jack Ryan for U.S. Senate.

2. Spouse: Ann McLauglin Korologos: 2000—None.

11/26/2001, $1,000, Stevens for Senate Committee; 7/5/2001, $1,500, DC Republican Committee Federal Campaign Committee; 12/10/2001, $1,000, Santorum 2000; 10/26/2001, $1,000, Senate Majority Fund; 12/10/2001, $1,000, Jim Hansen Committee; 12/12/2001, $1,000, John Thune for South Dakota.

12/6/2002, $1,000, Suzanne Terrell for Senate Campaign; 2/5/2002, $1,500, DC Republican Committee Federal Campaign Committee; 3/19/2002, $1,000, America's Foundation FKA Fight PAC; 5/6/2002, $300, Connie Morella For Congress Committee; 3/8/2002, $1,000, Elizabeth Dole Committee, Inc.; 6/29/2002, $1,000, Oxley for Congress; 5/8/2002, $1,000, McConnell Senate Committee '08 (W/N); 5/8/2002, $1,000, Gordon Smith for U.S. Senate 2002 Inc. (W/N); 5/22/2002, $1,000, Fiesta for John Cornyn (W/N); 3/11/2002, $1,000, Mike Bilirakis for Congress.

5/21/2003, $500, Friends for Jane Harman 2004; 6/18/2003, $1,000, Northern Lights PAC (Stevens); 8/26/2003, $500, Friends of John McCain; 7/25/2003; $500, McCain for Senate '04.

3/2004, $2,000, Jack Ryan for U.S. Senate.

3. Children and Spouses: Philip Korologos (Son): 1/26/2000, $1,000, McCain 2000 Inc.; 11/7/2000, $1,000, Straight Talk America; 2000, $1,000, Senator Ashcroft for Senate; 10/9/2000, $1,000, Abraham Senate 2000; 11/3/2000, $1,000, Bluegrass Committee; 2002, $500, Elizabeth Dole for Senate 2002; 2003, $500, Bush/Cheney.

Lisa Korologos (Daughter-in-law): None.

Dr. Leroy Bazzarone (Son-in-Law): 10/17/2000, $1,000, Abraham Senate 2000.

Ann Bazzarone (daughter): None.

Paula Cale (daughter): None.

4. Parents: Irene C. & Chris T. Korologos, (deceased).

5. Grandparents: Michael & Elaine Kolendrianos, (deceased), Tom & Gregoria Korologos, (deceased).

6. Brothers and Spouses: Mike Korologos (brother): None. Myrlene Korologos (sister-in-law), (deceased)

7. Sisters and Spouses: Gregoria Korologos (sister): 2003, $25, Republican National Committee; 2003, $25, Bush-Cheney.

Elaine Guin (sister): None.

Baird Guin (brother-in-law): None.

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*Charles Graves Untermeyer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles G. (Chase) Untermeyer.

Post: Ambassador to Qatar.

Contributions, amount, date, and donee:

1. Self: $500, 30 Dec 1999, John Culberson, U.S. House (Texas); $250, 10 Nov 2001, Rob Portman, U.S. House (Ohio); $1,000, 24 Jun 2002, KPAC (Sen. Kay Hutchison of Texas); $200, 3 Jul 2002, Katherine Harris, US House (Florida); $1,000, 16 Jul 2002, Good Government Fund (GOP senators); $500, 13 Aug 2002, Jeb Hensarling, US House (Texas); $250, 19 Aug 2002, Chris Bell, US House (Texas); $250, 30 Aug 2002, Sheila Jackson Lee, US House (Texas); $1,000, 17 Sep 2002, John Cornyn, U.S. senator (Texas); $250, 17 Sep 2002, John Carter, U.S. House (Texas); $250, 19 Feb 2003, Chris Bell, U.S. House (Texas); $250, 20 Feb 2003, John Carter, U.S. House (Texas); $500, 2 Apr 2003, John Culberson, U.S. House (Texas); $250, 18 Apr 2003, Chris Bell, U.S. House (Texas); $500, 3 May 2003, Tom DeLay, U.S. House (Texas); $2,000, 17 Jul 2003, Bush-Cheney '04; $1,000, 3 Dec 2003, John Culberson, U.S. House (Texas); $500, 24 Feb 2004, Kevin Brady, U.S. House (Texas); $1,000, 25 Feb 2004, Chris Bell, U.S. House (Texas).

2. Spouse: Diana C.K. Untermeyer, $75, 14 Feb 2000, Peter Wareing, U.S. House (Texas); $250, 14 Feb 2000, Kay Hutchison, U.S. senator (Texas); $100, 18 March 2000, Peter Wareing, U.S. House (Texas); $250, 19 Nov 2000, Bush-Cheney Recount; $2,000, 24 Feb 2004, Bush-Cheney '04.

3. Children and Spouses: Ellyson Chase Untermeyer (unmarried), None.

4. Parents: Dewitt Edward Untermeyer (died 1979); Marguerite G. Untermeyer, None.

5. Grandparents: Charles S. Untermeyer (died 1923); Florence L. Untermeyer (died 1984); Dr. Alonzo Graves (died 1941); Mattie L. Graves (died 1951).

6. Brothers and Spouses: None.

7. Sisters and Spouses: Margot U. Lingold, None; Dr. John C. Lingold (died 2002), None; Emily F. Untermeyer, None; Bruce Baskett, None.

Note: In addition to the above, I was treasurer of the Compaq Citizenship Fund, a PAC affiliated with Compaq Computer Corporation, from its founding in 1994 until 2000. In this capacity, I wrote numerous checks to candidates at local, state, and federal levels. I shall be happy to produce this list (also available on the FEC website).

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*Douglas L. McElhaney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Douglas L. McElhaney.

Post: Bosnia-Herzegovina Ambassador.

Contributions, amount, date, and donee:

1. Self, 0.

2. Spouse, N/A.

3. Children and Spouses, N/A.

4. Parents: Ordell McElhaney, 0; Clayone McElhaney, 0.

5. Grandparents, N/A.

6. Brothers and Spouses, N/A.

7. Sisters and Spouses: Claudia Leonardi (sister), 0; Leo Leonardi (spouse), $200.00, 1988, Lawton Chiles.

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*Aldona Wos, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Aldona Z. Wos, M.D.

Post: Ambassador to Estonia.

Contributions, Date, Donee, and Amount:

1. Self: 10/10/2000, North Carolina Victory 2000, 1,000,00; 10/10/2000, Presidential Trust, 10,000.00; 11/13/2001, Dole 2002 Committee, 1,000.00; 11/19/2001, Dole 2002 Committee, 1,000.00; 1/14/2002; RNC, 25.00; 4/29/2002, North Carolina Republican Party, 1,000.00; 7/18/2002, Sixth District GOP; 1,000.00; 3/8/2003, North Carolina Republican Party, 1,000.00; 4/24/2003, The Richard Burr Committee, 2,000.00; 5/31/2003; Bush-Cheney 2004, 2,000,000; 7/31/03, North Carolina Medical Society PAC, 100.00; 11/17/03, North Carolina Medical Society PAC, 250.00; 1/5/2004, Hayes for Congress, 2,000.00; 2/24/2004, NC Bank Pac, 250.00; 3/17/2004, RNC—Presidential Trust, 25,000.00.

2. Spouse: Louis DeJoy: 2/7/2000, George W. Bush, 2,000.00; 9/15/2000, Republican Housing Majority Committee, 1,000.00; 10/10/2000, NC Victory 2000, 1,000.00; 10/10/2000, Presidential Trust, 10,000.00; 3/14/2001, Republican Party, 5,000.00; 11/13/01, Dole 2002 Committee, 1,000.00; 11/9/01, Dole 2002 Committee, 1,000.00; 2/5/2002, Republican Eagles, 15,000.00; 2/25/2002, North Carolina Salute To George Bush, 100,000.00; 3/29/2002, North Carolina Republican Party, 5,000.00; 4/17/2002, Coble For Congress, 1,000.00; 7/18/2002, Dole North Carolina Victory Committee, 25,000.00; 4/1/2003, North Carolina Republican Party, 5,000.00; 4/24/2003, The Committee For Richard Burr, 2,000.00; 5/30/2003, Bush-Cheney 2004, 2,000.00; 1/6/2004, Hayes For Congress, 2,000.00; 3/17/2004, RNC—Presidential Trust, 25,000.00.

3. Children and Spouses: Ania DeJoy—Minor, No Contributions; Andrew DeJoy—Minor, No Contributions.

4. Parents: Mother—Wanda K. Wos: 10/29/01, Elizabeth Dole Committee, Inc., 1000.00; 7/25/02, Dole North Carolina Victory Committee, Inc., 1.000.00; 11/17/03, Bush-Cheney 2004, 2,000.00. Father—Paul Z. Wos: 4/5/00, Keyes 2000, 25.00; 4/10/00, Republic National Committee, 20.00; 6/15/00, Republican Presidential Committee, 25.00; 10/15/00, Republican National Committee, 20.00; 8/8/01, Alan Keyes, 50.00; 10/29/01, Dole 2002 Committee, Inc., 100.00; 11/20/01, Dole 2002 Committee, Inc., 300.00; 5/10/02, 2002 Republican National Committee, 25.00; 7/25/02, Dole North Carolina Victory Committee, 1,000.00; 5/2/03, Republican National Committee, 25.00; 6/17/03, Republican National Committee, 25.00; 10/2/03 Republican National Committee, 25.00; 11/17/03, Bush-Cheney 2004, 2,000.00.

5. Grandparents—Deceased.

6. Brothers and Spouses: Brother—Konrad Wos, 10/29/01, Dole 2002 Committee, Inc., 100.00; 07/25/02, Elizabeth Dole Committee, Inc., 1,000.00. Sister-in-Law—Meggan Wos: 07/25/02, Elizabeth Dole Committee, Inc., 1,000.00.

7. Sisters and spouses—N/A.

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*William T. Monroe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Kingdom of Bahrain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: William T. Monroe.

Post: Ambassador—Manama, Bahrain.

Contributions, amount, date, and donee:

1. Self, None.

2. Spouse, None.

3. Children and Spouses: Adrian P. Monroe, None; Stephen L. Monroe, None; Tiphaine J. Monroe, None.

4. Parents: Andrew P. Monroe, $50, 06/2002, Republican National Committee; Mary Elizabeth Monroe, None.

5. Grandparents: Andrew P. Monroe, Deceased; Elizabeth M. Monroe, Deceased; Frederic H. McCoun, Deceased; Celia D. McCoun, Deceased.

6. Brothers and Spouses: Stephen M. Monroe, None; Eleanor B. Meredith, None.

7. Sisters and Spouses: Margaret D. Zellinger, None; David Zellinger, None.

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*John C. Danforth, of Missouri, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John C. Danforth.

Post: U.S. Ambassador to the United Nations.

Contributions, date, donee, and amount:

1. Self and spouse: John and Sally Danforth, May 17, 2000, George W. Bush for President, $1,000; June 2, 2000, Lincoln Chafee-U.S. Senate, $2,000; June 8, 2000, Missourians for Todd Graves, $250; June 26, 2000, ROYB (Roy Blunt campaign), $1,000; August 27, 2000, McLean for Senate, $1,000; March 4, 2002, Jim Talent for Senate, $2,000; March 11, 2002, Susan Collins for Senate, $1,000; March 15, 2002, Christy Ferguson for Congress Committee, $1,000; April 29, 2002, Thune for Senate, $1,000; May 7, 2002, Coleman for Senate, $1,000; June 28, 2002, First Senatorial District Committee, $200; October 2, 2002, Dole for Senate, $1,000; January 31, 2003, Missourians for Kit Bond, $2,000; February 14, 2003, Missourians for Matt Blunt, $2,350; March 3, 2003, Missourians for Kit Bond, $4,000; June 17, 2003, Bush-Cheney '04 Inc., $4,000; December 19, 2003, Zane Yates for Congress, $250; February 10, 2004, ROYB (Roy Blunt), $1,000; March 30, 2004, Citizens for Arlen Specter, $2,000.

2. Children and spouses: Eleanor and Allan Ivie (daughter/son-in-law), 2003, Bush-Cheney '04 Inc., $2000; 2003, Missourians for Kit Bond, $4000; 2001, Bob Coleman, $500; 2000, Lincoln Chafee for U.S. Senate, $1000.

Mary and Tom Stillman (daughter/son-in-law), 2004, Missourians for Kit Bond, $4000; 2004, Diane Tebelius (Wash. State), $1000; 2003, Bush-Cheney '04 Inc., $4000; 2000, Lincoln Chafee for Senate, $2,000.00;

Johannes and Dorothy Burlin (son-in-law/daughter)—Statement by Dorothy and Johannes Burlin: To the best of our recollection, we have given financial support to the following people, campaigns, committees, and/or parties since 2000: Christopher Bond—U.S. Senate; George W. Bush—Presidential race; Lincoln Chafee—U.S. Senate race; National Republican party.

Johanna and Tim Root (daughter/son-in-law), July 2003, Bush-Cheney '04, Inc., $4,000; 2000, Gore for President, $500.

Tom Danforth (son), 2004, Missourians for Kit Bond, $2,000.

3. Brothers and Spouses: William and Elizabeth Danforth (brother/sister-in-law), May 15, 2000, Hamilton for Congress, $1,000; July 26, 2000, Ted House for Congress Cmte., $500; July 26, 2000, McNary for Congress, $500; November 8, 2000, Citizens for Clean Water, Safe Parks, $5,000; January 24, 2001, Citizens for Ted House, $200; April 10, 2002, Thune for South Dakota, $2,000; May 10, 2002, Coleman for U.S. Senate, $2,000; June 18, 2002, Citizens for Ted House, $200; April 7, 2003, Citizens for Ted House, $100; May 27, 2003, Senate Majority Fund, $5,000; May 29, 2003, Todd Akin for Congress, $1000; June, 2003, Bush-Cheney '04, Inc., $4000; September 17, 2003, Stoll 2004, $500; October 30, 2003, Citizens for Jack Jackson, $300; December 9, 2003, Todd Akin for Congress, $3000; April 27, 2004, Bennett Election Committee, $1000.

Carolyn Danforth (sister-in-law), 2002, Republican National Cmte., $1000; 2002, Jim Talent for Senate, $1000; 2002, Jim Talent for Senate, $1000; 2002, Republican National Cmte., $1000; 2003, Bush-Cheney '04, Inc., $2000; 2003, Missourians for Kit Bond, $1000.

Donald Danforth, Jr. (brother)—deceased.

4. Sisters and spouses: Dorothy D. Miller (sister), none; Jefferson L. Miller (brother-in-law), none.

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*James B. Cunningham, of Pennsylvania, a Career Member to be Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James B. Cunningham.

Poast: Representative to Vienna Office of the UN.

Contributions, amount, date, and donee:

1. Self, None.

2. Spouse, None.

3. Children and Spouses: Emma, None; Abigail, None.

4. Parents: Blair, Deceased; Julia, Deceased.

5. Grandparents: Grandparents Knowles, Deceased; Grandparents Cunningham, Deceased.

6. Brothers and Spouses: Thomas, None; William, estranged, believe none.

7. Sisters and Spouses: Carol, None; Kathleen, Deceased.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Robert H. Hanson and ending Donna M. Blair, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 18, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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–8067. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfuryl Fluoride; Pesticide Tolerance; Technical Correction'' (FRL#7346–1) received on June 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8068. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenylprioximate; Pesticide Tolerance'' (FRL#7362–9) received on June 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8069. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's First Annual Report on Plutonium Storage at the Department of Energy's Savannah River Site; to the Committee on Armed Services.

EC–8070. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a Program Acquisition Unit Cost (PAUC) Breach relative to the Space Based Infared System (SBIRS); to the Committee on Armed Services.

EC–8071. A communication from the Office of the General Counsel, Selective Service System, transmitting, pursuant to law, the report of the designation of acting officer and a change in previously submitted reported information for the position of Director, Selective Service System, received on June 21, 2004; to the Committee on Armed Services.

EC–8072. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–8073. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Period for Task and Delivery Order Contracts'' (DFARS Case 2003–D097) received on June 21, 2004; to the Committee on Armed Services.

EC–8074. A communication from the Chief Counsel, Bureau of the Public Debt, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 352, Offering of United States Savings Bonds, Series HH'' received on June 17, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8075. A communication from the Deputy Secretary, Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance Regarding the Public Company Accounting Oversight Board's Auditing and Related Professional Practice Standard No. 1'' (Release 33–8422) received on June 17, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8076. A communication from the Chief Counsel, Office of Foreign Assets Control,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 515—Cuban Assets Control Regulations'' received on June 15, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8077. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Supervised Investment Bank Holding Companies'' (RIN3235–AI97) received on June 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8078. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Alternative Net Capital Requirements for Broker-Dealers That Are Part of Consolidated Supervised Entities'' received on June 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8079. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, Department of Transportation, received on June 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8080. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on the ''Status of Fisheries of the United States''; to the Committee on Commerce, Science, and Transportation.

EC–8081. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, a draft of proposed legislation entitled the ''Hopewell Culture National Historical Park Boundary Adjustment Act''; to the Committee on Energy and Natural Resources.

EC–8082. A communication from the Assistant Secretary of Fish, Wildlife, and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled the ''Cumberland Island National Seashore Wilderness Revision Act of 2003''; to the Committee on Energy and Natural Resources.

EC–8083. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–8084. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–8085. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license agreement for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 to Pakistan; to the Committee on Foreign Relations.

EC–8086. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–8087. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2004–36 relative to the suspension of limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC–8088. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Care Fraud and Abuse Data Collection Program; Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities'' (RIN0991–AB31) received on June 21, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8089. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the ''Prosecuting Remedies and Tools Against the Exploitation of Children (PROTECT) Act of 2003''; to the Committee on the Judiciary.

EC–8090. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''Columbia Gorge Viticultural Area'' (RIN1513–AC81) received on June 9, 2004; to the Committee on the Judiciary.

EC–8091. A communication from the National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the American Legion's financial condition as of December 31, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2559. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

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. KYL:

S. 2555. A bill to authorize the use of judicially enforceable subpoenas in terrorism investigations; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. LIEBERMAN):

S. 2556. A bill to amend chapter 7 of title 31, United States Code, to provide for a technology assessment capability within the General Accounting Office, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN (for himself, Mr. REED, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. CORZINE, Ms. MIKULSKI, Mr. LEVIN, Mr. SCHUMER, Mrs. CLINTON, and Mrs. BOXER):

S. 2557. A bill to amend the Consolidated Appropriations Act, 2004, to strike the restriction on use of funds that requires a 24-hour time limit for destroying identifying information submitted in relation to a firearm background check; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 2558. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system towards prevention, wellness, and self care; to the Committee on Finance.

By Mr. STEVENS:

S. 2559. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. GRAHAM of South Carolina, and Mrs. BOXER):

S. 2560. A bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. HAGEL, Mr. DURBIN, Mrs. BOXER, Mr. MCCAIN, Mrs. MURRAY, Mr. LUGAR, Mr. WARNER, Mr. CHAFEE, Ms. SNOWE, and Ms. COLLINS):

S. Res. 387. A resolution commemorating the 40th Anniversary of the Wilderness Act; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Res. 388. A resolution commemorating the 150th anniversary of the founding of The Pennsylvania State University; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 853

At the request of Mr. KERRY, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 1554

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1684

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1945

At the request of Mr. MCCAIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1962

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1962, a bill to amend the Internal Revenue Code of 1986 to provide for excise tax reform and simplification, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2425

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2529

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) 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. 2533

At the request of Ms. MIKULSKI, the names of the Senator from Florida (Mr. NELSON), the Senator from Washington (Ms. CANTWELL), the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. CON. RES. 72

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 385

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 385, a resolution recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

AMENDMENT NO. 3200

At the request of Mr. INHOFE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3200 intended to be 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. 3235

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3235 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. 3280

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. FEINSTEIN), the Senator from Nevada (Mr. REID), the Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE) , the Senator from Maine (Ms. SNOWE), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 3280 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. 3315

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3315 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 Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3315 proposed to S. 2400, supra.

AMENDMENT NO. 3327

At the request of Mr. DASCHLE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of amendment No. 3327 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. 3328

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3328 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. 3331

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3331 intended to be 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. 3333

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 3333 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. 3355

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3355 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. 3377

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3377 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. 3399

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3399 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. 3409

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3409 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 Alaska (Ms. MURKOWSKI) was added 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—Friday, June 18, 2004

By Mrs. FEINSTEIN:

S. 2549. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria Del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Plascencias have worked for years to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel. Repeatedly, the Plascencias' lawyer refused to return their calls or otherwise communicate with them in anyway. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation. Although the family was stunned and devastated by this discovery, they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

The Plascencias' current date of removal from the United States is set for June 23rd.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the past 13 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packaging operation and several employees. The president of the market, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as ''a valuable and respected employee'' who ''handles himself in a very professional manner'' and serves as ''a role model'' to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as ''gifted,'' ''trusted,'' ''honest,'' and ''reliable.''

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree and improved her skills to become a medical assistant. Until her work permit expired last week, Mrs. Plascencia was working in Kaiser Permanente's Oncology Department, where she attended to cancer patients. Those who have written to me in support of Mrs. Plascencia, of which there are several, have described her work as ''responsible,'' ''efficient,'' and ''compassionate.'' In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is ''an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.'' Mrs. Carino went on to write that Mrs. Plascencia is ''an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with.''

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This legislation is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future. It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and

each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 13, is the Plascencias' oldest child, and an honor student with a 3.0 grade-point average at Parkside Intermediate School in San Bruno.

Erika, 9, and Alfredo, Jr., 7, are enrolled at Belle Air Elementary, where they have worked hard at their studies and received praise and good grades from their teachers. In fact, last year, the principal of Erika's school recognized her as the ''Most Artistic'' student in her class. Recently, Erika's teacher, Mrs. Nascon, remarked on a report card, ''Erika is a bright spot in my classroom.''

The Plascencias' youngest child is 2 year-old Daisy.

Removing Mr. and Mrs. Plascencia from the United States would be tragic for their children. Children who were born in the United States and who through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic for the Plascencias' older children—Christina, Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends and their home. They would leave everything that is familiar to them. Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit. I have sponsored this legislation, and asked my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit.

I ask unanimous consent that six of more than 50 letters of support my office has received from members of the San Bruno community be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

H&N FOOD INT'L, INC.,
San Francisco, CA, September 30, 2002.

Re Alfredo Plascencia Lopez and/or Maria Plascencia

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

I have known Alfredo Plascencia Lopez for at least nine years. My company sells product to Vince's Shellfish Company where Alfredo is employed. I deal directly with Alfredo regarding the quality of seafood that Vince's Shellfish receives from me.

Working with Alfredo on a daily basis, I have come to know Alfredo as an honest, reliable, and hard working family man. Even though we do a tremendous amount of business, I really consider him a good friend and caring person.

If Alfredo were to be deported, it would be a great loss not only to the fish business, but also importantly to his young and growing family. How hard it would be for them to continue on, or where would they turn?

Sincerely,

BOBBY NGO,
Tuna Purchaser/Salesman.

ST. BRUNO'S CHURCH,
San Bruno, CA, August 30, 2002.

TO WHOM IT MAY CONCERN: the purpose of this letter is to present my observations on Alfredo Plascencia Lopez and Maria Plascencia's character and work ethic. I first came to know them in our church when they came to worship on a Sunday. This happened around January in 1998.

And so for the last 4 years both Alfredo and Maria have been two of our outstanding parishioners at St. Bruno's Church. They come to Sunday Mass and worship, and have been involved in many ministries and services here in our church at St. Bruno's. Alfredo has been especially a minister of hospitality, always welcoming people to church and to participation in the life of the community, helping to provide a spirit of acceptance and concern among our people and providing bread and refreshments for some gatherings. Maria has been especially involved as a teacher, faithfully giving to our children the fundamentals of our Faith, of the Gospel and of a Christian moral life. They have four children all of whom have been baptized at St. Bruno's Church and come to our School of Religion and our church.

Alfredo and Maria have been most generous with their time, their talents and their money, sharing all these with the members of our Church Community. They have also frequently donated food to the church and to the Pastor. I have found them to be really good Christian people, most generous, considerate, kind, honest and reliable. If they would have to leave the United States, it will be most difficult for them and for their children who have been growing in a Christian environment and are doing so well; it would be a tremendous loss. We too here in our church would find it difficult without them. For they are a great asset to this country and to our church and to many people.

We appreciate whatever you can do for them to help them get their legal papers of residence in the United States.

Thank you very much.

Sincerely yours,

REV. RENÉ GÓMEZ,
Pastor of St. Bruno's Church.

KAISER PERMANENTE,

Re Maria Del Refugio Plascencia.

IMMIGRATION AND NATURALIZATION SERVICE,
South San Francisco, CA.

San Francisco, CA, August 29, 2002.

TO WHOM IT MAY CONCERN: I am writing to attest to the character and work ethic of Maria Del Refugio Plascencia. I am the Director of Medicine at Kaiser Permanente, South San Francisco. I have known Maria since she was hired as a medical assistant into my department in July 2000.

Maria is an excellent employee and role model for her colleagues. She is extremely dependable; in the two years she has worked for me she has called in sick only once. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with. Maria is flexible, thorough and proactive. She pays attention to detail and identifies potential problems before they occur. In addition, her bilingual skills enhance the patient care experience for our members who speak Spanish.

In her short tenure here, Maria found time to volunteer with our community outreach programs. She served as a volunteer interpreter for our recent Neighbors in Health event, wherein free health care was provided to uninsured children in our local community.

I can't say enough about Maria and the type of person she is. I feel fortunate to have her in my department. She is an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal employee, involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.

It would be an incredible miscarriage of justice if Maria and Alfredo are deported. They came to this country to pursue a better life and afford their children opportunities that they wouldn't have in Mexico. They have begun to do just that by establishing roots in the community and purchasing a home. They have never taken advantage of the ''system'' by enrolling on welfare or Medi-Cal, preferring to pay their own way. Deporting Maria and Alfredo would rip their family apart and result in either depriving their children of a loving family or depriving them of their rights as American citizens if they leave the country of their birth with their parents.

I pray that you will allow them the opportunity to live in this country.

Sincerely,

ROSE CARINO, RN,
Director, Department of Medicine.

THE PERMANENTE MEDICAL GROUP, INC.
SOUTH SAN FRANCISCO, SEPTEMBER 4, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

TO WHOM IT MAY CONCERN:

The purpose of this letter is to present my observations of the character and work ethic of Maria Del-Refugio Plascencia and Alfredo Plascencia Lopez.

I have worked with Ms. Plascencia for two years: I, as an Oncology Nurse Practitioner, Maria as a Medical Assistant. Ms. Plascencia works closely with the oncology patients as an educator, resource person, translator and compassionate member of our oncology team at South San Francisco Kaiser. Ms. Plascencia does an excellent job with the oncology patients. She also is responsible, efficient and a pleasure to work with on a daily basis. Ms. Plascencia is a vital member of the oncology staff. On one occasion I mentioned my concern regarding a 90-year-old cancer patient with limited vision, without family or friends. Ms. Plascencia immediately wanted to know if she and her church group could stop by and read to this woman.

I have met Mr. Plascencia on several occasions. I find him to be a pleasant, responsible, and a devoted family man who works hard to provide for his family.

In conclusion, Maria Del Refugio Plascencia and Alfredo Plascencia Lopez are two people any citizen of the United States would be happy and proud to have as neighbors, employees and friends. If I can be of any further assistance in this matter, please feel free to contact me at 650–742–2929.

Sincerely,

ELISABETH O'MARA SUTTER,
RN/NP M.S.

DOUG GUTTERMAN,
Richmond, CA, September 30, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

Re Alfredo Plascencia Lopez and.or Maria Plascencia

TO WHOM IT MAY CONCERN:

I've worked at my present job at Vince's Shellfish for some twelve years. Thru the years I have come to know Alfredo as a gifted, trusted co-worker, and a loyal friend. He truly has been with me thru thick and thin.

Alfredo's presence at work and at home with his family will surely be missed. Please understand a man of his character deserves to stay with us.

Thank you for your attention.

DOUG GUTTERMAN,
Co-Worker & Friend.

VINCE'S SHELLFISH CO., INC.,
San Bruno, CA, September 30, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

Re Alfredo Plascencia Lopez and/or Maria Plascencia

Alfredo Plascencia Lopez has been employed here at Vince's Shellfish for the past 11 years. Alfredo started as a part-time employee 01/91 and I was so impressed with his work ethic and loyalty that I was quick to hire him full-time within a year and a half. Alfredo started full-time employment at Vince's Shellfish 07/92. Throughout the past 11 years I have observed Alfredo as a responsible, dependable individual. I can count on him in any type of situation that arises in my day-to-day business. Alfredo always handles himself in a very professional manner.

Alfredo Plascencia Lopez is in charge of my entire packing operation, which consists of managing ten employees. This is an enormous part of my business and Alfredo is accountable and running this operation with no problem. The employees under him have the utmost respect for Alfredo. He is a role model to many. He has learned the fish business throughout his past 15 years with great enthusiasm.

I know how important Alfredo's family is to him. I have seen through the past years how he has worked hard and has always placed his family first. His wife and children are always first and important in his life. He has provided a wonderful life for his family; if Alfredo were to be deported a beautiful happy family would suffer and be broken up.

At this time I would like to close by saying Alfredo is a valuable individual to his immediate family and second, a valuable and respected employee here at Vince's Shellfish.

Sincerely,

CHRISTOPHER N. SVEDISE,
President.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2555. A bill to authorize the use of judicially enforceable subpoenas in terrorism investigations; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce a bill that would authorize the Justice Department to issue judicially enforceable subpoenas in terrorism investigations.

Here is how the JETS Act would work: it would allow the FBI to subpoena documents and records ''in any investigation of a Federal crime of terrorism.'' The bill would require the FBI to go to Federal court to enforce the subpoena in the event that the recipient declines to comply with it. It would also allow the recipient to make the first move and go to court to challenge the subpoena. The JETS Act also would allow the Justice Department to temporarily bar the recipient of a JET subpoena from disclosing to anyone other than his lawyer that he has received it. The FBI could bar such disclosure, however, only if the Attorney General certifies that ''otherwise there may result a danger to the national security of the United States.'' Also, the recipient of the subpoena would have the right to go to court to challenge the nondisclosure order. And finally, the JETS Act would protect the recipient from any civil liability that might otherwise result from his good-faith compliance with a JET subpoena.

At the outset, it bears mention that the FBI already has ways of obtaining a subpoena when it needs one for a terrorism investigation: it simply finds an Assistant U.S. Attorney and asks him to issue a grand-jury subpoena to investigate a potential crime of terrorism. The advantages of the JETS Act—of giving the FBI direct authority to issue subpoenas—are not so much substantive as procedural. These advantages principally are two: 1. A grand-jury subpoena's ''return date''—the date by which the recipient of the subpoena is asked to comply—can only be a day on which a grand jury is convened. Therefore, a grand-jury subpoena issued on a Friday evening cannot have a return date that is earlier than the next Monday. The JETS Act would allow the FBI to set an earlier return date, so long as that date allows ''a reasonable period of time within which the records or items [to be produced] can be assembled and made available.'' 2. Only an AUSA can issue a grand-jury subpoena. Therefore, whenever the FBI wants to use a grand-jury subpoena in a terrorism case, it must find an AUSA. This can be difficult and time consuming in remote locations. The JETS Act would allow the FBI to forego this exercise.

The Justice Department recently made its case as to why it should be given JETS authority in its answers to Senator BIDEN's written questions to Christopher Wray, the Assistant Attorney General for the Criminal Division, following Mr. Wray's testimony before the Judiciary Committee on October 21, 2003. Senator BIDEN asked Mr. Wray to cite ''instances where your terrorism investigations have been thwarted due to an inability to secure a subpoena from a grand jury in a timely fashion.'' While Mr. Wray declined to provide the details of those instances when the lack of direct authority has posed a problem, he did offer the ''following hypothetical situations, which could well arise, [and which] illustrate the need for this investigative tool:''

''In the first scenario, anti-terrorism investigators learn that members of an Al Qaeda cell recently stayed at a particular hotel. They want to know how the cell members paid for their rooms, in order to discover what credit cards they may have used. When investigators ask the hotel manager to produce the payment records voluntarily, the manager declines to do so, explaining that company policy prohibits him from revealing such information about customers without legal process. If investigators had the authority to issue an administrative subpoena, the hotel manager could disclose the records about the Al Qaeda cell immediately without fear of legal liability. In this situation, where the speed and success of the investigation may be matters of life and death, this disclosure would immediately provide investigators with crucial information—such as the location of the terrorists and the nature of their purchases—with which to disrupt and prevent terrorist activity.

''In the second hypothetical situation, anti-terrorism investigators learn on a Saturday morning that members of an Al Qaeda cell have bought bomb-making materials from a chemical company. They want to obtain records relating to the purchase that may reveal what chemicals the terrorists bought, as well as delivery records that might reveal the terrorists' location. The investigators might seek quickly to contact an Assistant United States Attorney, who might immediately obtain a grand-jury subpoena for the records. However, the third party who holds the records could lawfully refuse to furnish them until the subpoena's 'return date,' which must be on a day the grand jury is sitting. Because the grand jury is not scheduled to meet again until Monday morning, investigators may not be able to obtain the information for two days—during which time the Al Qaeda cell may execute its plot. If investigators had the authority to issue an administrative subpoena, which can set a very short or immediate response deadline for information, they may be able to obtain the records immediately and neutralize the cell.''

Mr. Wray concluded his answer by noting that ''[g]ranting FBI the use of [JETS authority] would speed those terrorism investigations in which subpoena recipients are not inclined to contest the subpoena in court and are willing to comply. Avoiding delays in these situations would allow agents to track and disrupt terrorist activity more effectively.''

To place the JETS Act in context, it bears noting that granting the FBI direct authority to issue subpoenas in terrorism cases would hardly be anomalous. As the Justice Department's Office of Legal Policy recently noted in a published report, ''Congress has granted some form of administrative subpoena authority to most federal agencies, with many agencies holding several such authorities.'' (Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, Pursuant to Public Law 106–544, Section 7.) The Justice Department ''identified approximately 335 existing administrative subpoena authorities held by various executive-branch entities under current law.'' Ibid.

Among the more frequently employed of existing executive-subpoena authorities is 18 U.S.C. § 3486's permission for the Attorney General to issue subpoenas ''[i]n any investigation of a Federal health care offense.'' According to the Public Law 106–544 Report, in the year 2001 the federal government used § 3486 to issue a total of 2,102 subpoenas in health-care-fraud investigations. These subpoenas uncovered evidence of ''fraudulent claims and false

statements such as 'upcoding,' which is billing for a higher level of service than that actually provided; double billing for the same visit; billing for services not rendered; and providing unnecessary services.''

Executive agencies already have direct subpoena authority for many types of investigations. Thus it would not be exceptional for Congress to grant the same authority to the FBI for terrorism cases. Indeed, as Mr. Wray noted in his above-cited answers to questions, ''[b]ecause of the benefits that administrative subpoenas provide in fast-moving investigations, they may be more necessary in terrorism cases than in any other type of investigation.'' One can hardly contend that although the federal government can use subpoenas to investigate Mohammed Atta if it suspects that he is committing Medicare fraud, it should not be allowed to use the same powers if it suspects that he is plotting to fly airplanes into buildings.

Granting direct subpoena authority to the FBI for terrorism cases first was proposed by the President last year, near the time of the second anniversary of the September 11 attacks. There is one criticism of the President's proposal that was made at that time that I believe needs to be addressed. The New York Times, in a September 14 story, described unnamed ''opponents'' as denouncing the proposal for ''allow[ing] federal agents to issue subpoenas without the approval of a judge or grand jury.''

This criticism reflects a misunderstanding of grand-jury subpoenas. The anonymous opponents of the President's proposal appear to be under the impression that the grand jury itself issues a grand-jury subpoena. This is not the case. Instead, a grand-jury subpoena is issued by an individual federal prosecutor, without any prior involvement by a judge or grand jury. As the U.S. Court of Appeals for the District of Columbia has noted, ''[i]t is important to realize that a grand jury subpoena gets its name from the intended use of the . . . evidence, not from the source of its issuance.'' Doe v. DiGenova, 779 F.2d at 80 n. 11 (1985).

Like the grand-jury subpoenas currently used to investigate potential crimes of terrorism, JET subpoenas also would be issued directly by investigators, without pre-approval from a court. It is thus important to keep in mind that a subpoena is merely a request for information—a request that cannot be enforced until its reasonableness has been reviewed by a federal judge. As Mr. Wray noted on behalf of the Justice Department in his answers to Senator BIDEN's questions:

The FBI could not unilaterally enforce an administrative subpoena issued in a terrorism investigation. As with any other type of subpoena, the recipient of an administrative subpoena issued in a terrorism investigation would be able to challenge that subpoena by filing a motion to quash in the United States District Court for the district in which that person or entity does business or resides. If the court denied the motion to quash, the subpoena recipient could still refuse to comply. The government would then be required to seek another court order compelling compliance with the subpoena.

This system guarantees protection for civil liberties. The courts take very seriously their role in reviewing subpoena-enforcement requests. As the Third Circuit has emphasized, ''the district court's role is not that of a mere rubber stamp, but of an independent reviewing authority called upon to insure the integrity of the proceeding.'' Wearly v. FTC, 616 F.2d at 665 (1980). The prospect of judicial oversight also inevitably restrains even the initial actions of executive agents. As the Public Law 106–544 Report notes, ''an agency must consider the strictures of [a motion to quash or a challenge to an enforcement order] before issuing an administrative subpoena.'' And finally, the system of separated authority to issue and review subpoenas has itself been recognized to guard civil liberties. The federal courts have found that ''[b]ifurcation of the power, on the one hand of the agency to issue subpoenas and on the other hand of the courts to enforce them, is an inherent protection against abuse of subpoena power.'' United States v. Security State Bank and Trust, 473 F.2d at 641 (5th Cir. 1973).

The administrative subpoena is a well-established investigative tool with built-in protections for civil liberties. Its use in antiterrorism investigations should not pose a threat to individual freedom.

Finally, although the constitutionality of a tool so frequently used for so long might safely be assumed, it nevertheless merits describing exactly why subpoena power is consistent with the Fourth Amendment. A thorough explanation recently was provided by Judge Paul Niemeyer of the U.S. Court of Appeals for the Fourth Circuit. As Judge Niemeyer noted, the use a subpoena does not require a showing of probable cause because a subpoena is not a warrant—it does not authorize an immediate physical intrusion of someone's premises in order to conduct a search. Rather, subpoenas are subject only to the Fourth Amendment's general reasonableness requirement—and they are reasonable in large part because of the continuous judicial oversight of their enforcement. As Judge Niemeyer stated in his opinion for the court in In re Subpoena Duces Tecum, 228 F.3d at 347–49 (2000) (citations omitted):

While the Fourth Amendment protects people ''against unreasonable searches and seizures,'' it imposes a probable cause requirement only on the issuance of warrants. U.S. Const. amend. IV (''and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation,'' etc.). Thus, unless subpoenas are warrants, they are limited by the general reasonableness standard of the Fourth Amendment (protecting the people against ''unreasonable searches and seizures''), not by the probable cause requirement.

''A warrant is a judicial authorization to a law enforcement officer to search or seize persons or things. To preserve advantages of speed and surprise, the order is issued without prior notice and is executed, often by force, with an unannounced and unanticipated physical intrusion. Because this intrusion is both an immediate and substantial invasion of privacy, a warrant may be issued only by a judicial officer upon a demonstration of probable cause—the safeguard required by the Fourth Amendment. See U.S. Const. amend. IV (''no Warrants shall issue, but upon probable cause''). The demonstration of probable cause to a neutral judicial officer places a checkpoint between the Government and the citizen where there otherwise would be no judicial supervision.

''A subpoena, on the other hand, commences an adversary process during which the person served with the subpoena may challenge it in court before complying with its demands. As judicial process is afforded before any intrusion occurs, the proposed intrusion is regulated by, and its justification derives from, that process.

''If [the appellant in this case] were correct in his assertion that investigative subpoenas may be issued only upon probable cause, the result would be the virtual end to any investigatory efforts by governmental agencies, as well as grand juries. This is because the object of many such investigations—to determine whether probable cause exists to prosecute a violation—would become a condition precedent for undertaking the investigation. This unacceptable paradox was noted explicitly in the grand jury context in United States v. R. Enterprises, Inc., where the Supreme Court stated:

''[T]he Government cannot be required to justify the issuance of a grand jury subpoena by presenting evidence sufficient to establish probable cause because the very purpose of requesting the information is to ascertain whether probable cause exists.''

The U.S. Supreme Court first upheld the constitutionality of subpoena authority in 1911. United States v. Wilson, 31 S.Ct. at 542, concluded that ''there is no unreasonable search and seizure when a writ, suitably specific and properly limited in scope, calls for the production of documents which . . . the party procuring [the writ's] issuance is entitled to have produced.''

The Wilson Court also noted that the subpoena power has deep roots in the common-law tradition roots—that stretch at least to Elizabethan times:

''no doubt can be entertained that there must have been some process similar to the subpoena duces tecum to compel the production of documents, not only before [the] time [of Charles the Second], but even before the statute of the 5th of Elizabeth. Prior to that statute, there must have been a power in the Crown (for it would have been utterly impossible to carry on the administration of justice without such power) to require the attendance in courts of justice of persons capable of giving evidence, and the production of documents material to the cause, though in the possession of a stranger.''

The Supreme Court also has explicitly approved the use of subpoenas by executive agencies. In Oklahoma Press Pub. Co. v. Walling, 66 S.Ct. 494 (1946), the Court found that the investigative role of an executive official in issuing a subpoena ''is essentially the same as the grand jury's, or the court's in issuing other pretrial orders for the discovery of evidence.'' Nearly fifty years ago, the U.S. Supreme Court in Walling was able to conclude that

Fourth Amendment objections to the use of subpoenas by executive agencies merely ''raise[] the ghost of controversy long since settled adversely to [that] claim.''

Because granting direct subpoena authority to antiterror investigators would aid them in their important work, and would neither intrude upon civil liberties nor conflict with the Constitution, I propose the following bill, which would authorize judicially enforceable terrorism subpoenas.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2555

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 ''Judicially Enforceable Terrorism Subpoenas Act of 2004''.

SEC. 2. ADMINISTRATIVE SUBPOENAS IN TERRORISM INVESTIGATIONS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332f the following:

''§ 2332g. Judicially enforceable terrorism subpoenas

''(a) AUTHORIZATION OF USE.—

''(1) IN GENERAL.—In any investigation concerning a Federal crime of terrorism (as defined under section 2332b(g)(5)), the Attorney General may issue in writing and cause to be served a subpoena requiring the production of any records or other materials that the Attorney General finds relevant to the investigation, or requiring testimony by the custodian of the materials to be produced concerning the production and authenticity of those materials.

''(2) CONTENTS.—A subpoena issued under paragraph (1) shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.

''(3) ATTENDANCE OF WITNESSES AND PRODUCTION OF RECORDS.—

''(A) IN GENERAL.—The attendance of witnesses and the production of records may be required from any place in any State, or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

''(B) LIMITATION.—A witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpoena.

''(C) REIMBURSEMENT.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

''(2) SERVICE OF SUBPOENA.—

''(A) NATURAL PERSON.—Service of a subpoena upon a natural person may be made by personal delivery of the subpoena to that person, or by certified mail with return receipt requested.

''(B) BUSINESS ENTITIES AND ASSOCIATIONS.—Service of a subpoena may be made upon a domestic or foreign corporation, or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

''(C) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered by that person on a true copy thereof shall be sufficient proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of the contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on, or the subpoenaed person resides, carries on business, or may be found, to compel compliance with the subpoena.

''(2) ORDER.—A court of the United States described under paragraph (1) may issue an order requiring the subpoenaed person, in accordance with the subpoena, to appear, to produce records, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as contempt thereof.

''(3) SERVICE OF PROCESS.—Any process under this subsection may be served in any judicial district in which the person may be found.

''(d) NONDISCLOSURE REQUIREMENT.—

''(1) IN GENERAL.—If the Attorney General certifies that otherwise there may result a danger to the national security of the United States, no person shall disclose to any other person that a subpoena was received or records were provided pursuant to this section, other than to—

''(A) those persons to whom such disclosure is necessary in order to comply with the subpoena;

''(B) an attorney to obtain legal advice with respect to testimony or the production of records in response to the subpoena; or

''(C) other persons as permitted by the Attorney General.

''(2) NOTICE OF NONDISCLOSURE REQUIREMENT.—The subpoena, or an officer, employee, or agency of the United States in writing, shall notify the person to whom the subpoena is directed of the nondisclosure requirements under paragraph (1).

''(3) FURTHER APPLICABILITY OF NONDISCLOSURE REQUIREMENTS.—Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

''(4) ENFORCEMENT OF NONDISCLOSURE REQUIREMENT.—Whoever knowingly violates paragraphs (1) or (3) shall be imprisoned for not more than 1 year, and if the violation is committed with the intent to obstruct an investigation or judicial proceeding, shall be imprisoned for not more than 5 years.

''(5) TERMINATION OF NONDISCLOSURE REQUIREMENT.—If the Attorney General concludes that a nondisclosure requirement no longer is justified by a danger to the national security of the United States, an officer, employee, or agency of the United States shall notify the relevant person that the prohibition of disclosure is no longer applicable.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—At any time before the return date specified in a summons issued under this section, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons.

''(2) MODIFICATION OF NONDISCLOSURE REQUIREMENT.—Any court described under paragraph (1) may modify or set aside a nondisclosure requirement imposed under subsection (d) at the request of a person to whom a subpoena has been directed, unless there is reason to believe that the nondisclosure requirement is justified because otherwise there may result a danger to the national security of the United States.

''(3) REVIEW OF GOVERNMENT SUBMISSIONS.—In all proceedings under this subsection, the court shall review the submission of the Federal Government, which may include classified information, ex parte and in camera.

''(f) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees of a non-natural person, who in good faith produce the records or items requested in a subpoena, shall not be liable in any court of any State or the United States to any customer or other person for such production, or for nondisclosure of that production to the customer or other person.

''(g) GUIDELINES.—The Attorney General shall, by rule, establish such guidelines as are necessary to ensure the effective implementation of this section.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections of chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332f the following:

''2332g. Judicially enforceable terrorism subpoenas.''.

By Mr. BINGAMAN (for himself and Mr. LIEBERMAN):

S. 2556. A bill to amend chapter 7 of title 31, United States Code, to provide for a technology assessment capability within the General Accounting Office, and for other purposes; to the Committee on Governmental Affairs.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce a bill that would give the Congress a modest capability to assess the impacts of science and technology on the formulation of public policy.

All of us in the Senate are all too aware how science and technology affects almost every aspect of policy we debate.

For instance, advances in science and technology are critical to our homeland defense oversight duties. There are many legislative proposals to deploy biological detection sensors in our cities. Yet, Congress does not get timely, in-depth advice on the policy implications on such issues as how many would be needed in a large city, or how will the data be integrated into a communications network, and would such a large volume of data be accurately analyzed and disseminated in a timely fashion. In another area of homeland defense, we are not confident on what the policy implications are for biometrics applied to border control. What are the costs for applying biometrics to the millions of visas we issue every year? How might these biometrics, which record our physiological features into a single database, invade our notions of privacy?

In the jurisdiction of my committee, Energy and Natural Resources, we would like to know how technology could mitigate the threat of wildfires, especially on urban regions adjacent to our national forests. We know that there are improvements in building materials and construction techniques that can reduce the danger of homes

suddenly catching fire and spreading to adjacent homes. However, the effect of such technology improvements on policy matters involving building codes, fire and disaster insurance, and coordination of communications between federal and local emergency response are unknown, yet critical to our law making duties.

There are other areas where technology affects law making and oversight duties. The Congress has supported efforts to integrate technology into one of the most crucial elements of democracy—voting. Nevertheless, questions remain on the accountability of each vote, and the cyber-security of electronic voting systems. These voting technology issues directly affect the public confidence in any law we may write to bring electronic voting into the mainstream.

I could go on and on, but these examples lead me to the bill I am introducing today.

Congress abolished the Office of Technology Assessment (OTA) in 1995. While I disagreed with this decision, the bill I am proposing today seeks to establish a smaller, less costly capability in the General Accounting Office (GAO).

The Congressional Research Service (CRS) and GAO have many technology-competent personnel, but neither assesses the effects of technology on policy-making. The CRS or GAO may study or catalog various technologies, they may assess the merits of one technology versus another, or even its economic benefits and costs, but they do not analyze how the technology can affect policy.

Some may assert the National Academy of Sciences performs such a function. The National Academies independently, through outside advisory committees, evaluates the technological merits of programs that involve technology, usually funded by the executive branch, and not directly by the Congress. The majority of the technology evaluations by the National Academies are not technology assessments, they do not consider what consequences a technology will have on the policies that the Congress considers. Because the Academy maintains a strong independence, the timing of their reports are not, and should not be, linked to the Congressional calendar.

I believe it is possible have an existing legislative branch agency such as the GAO give to neutral, objective technology assessments to the Congress in a timely fashion. I am of the opinion that the GAO can undertake this function without creating a large bureaucracy.

Let me first outline the history of the legislation I am proposing.

Three years ago, with the help of Senator BENNETT, who then chaired the Legislative Branch Subcommittee on Appropriations, I was able to initiate a pilot program at the GAO to perform technology assessments of interest to the Congress. It was Senator BENNETT who first suggested placing this pilot at the GAO, and when contacted, the GAO stepped forward to accept that challenge.

Since that time, the three-year pilot program at the GAO has conducted, or has underway, technology assessments on a wide range of topics, from biometrics for border control, cyber-security, cargo container security, and technology to mitigate the impact of wildfires on urban boundaries. All of these assessments were initiated by bipartisan and bicameral letters to the GAO.

I believe this pilot program to be a success. The first report on biometrics for border control has received good evaluations from industry and congressional staff. The GAO still testifies on the results from the report. The second report on cyber-security has just been released, experts across government and the private sector believe it is of high quality. A technology assessment on cargo container security is underway. A wildfire technology assessment has just been initiated.

In addition, this pilot program has undergone several reviews.

The first review occurred in October of 2002, when the first technology assessment on biometrics ended. A group of distinguished scientists, familiar with the technology assessment process, reviewed the GAO's organizational capability to conduct future technology assessments. While they were impressed with the quality of the GAO's effort, they made positive suggestions on how the GAO could improve the policy analysis phase of the technology assessment, as this crucial feature was new to the GAO. The group of experts reviewed the organizational mix of the GAO, and its ability to absorb the technology assessment process within their traditional audit and quality control structure. These experts found that the GAO's Center for Technology and Engineering, which performed the first biometrics assessment, was a capable organization, as it was accustomed to undertaking a wide range of technology-oriented problems. Finally, the experts commented on how the GAO could utilize nongovernmental entities to perform the data collection, thus reducing the potential to create a new bureaucracy. For the first biometrics report, the experts supported the GAO working with the National Research Council to conduct stakeholder workshops to gather a wide range of data, while the report writing would be by a legislative branch entity—the GAO.

The second review was a workshop held in July of 2003, at the National Academy of Sciences. A wide array of nongovernmental attendees evaluated the pilot program at the GAO in the context of other organization models for technology assessment, from recreating the old OTA to simply using the National Academies. This was the first time many nongovernmental persons were exposed to the GAO pilot and many were surprised that the GAO was willing to undertake such a program, and that its staff quickly adapted to the technology assessment process.

The third review occurred in December of 2003 at the request of the Senate Legislative Branch Appropriations Subcommittee. This review was conducted by the GAO. The subcommittee asked what would be required to conduct this pilot on a sustained basis. The GAO concluded that four full time staff would be required at a cost of $420,000, plus $125,000 for additional expenses to work with outside groups such as the National Research Council to collect data. This request has appeared as part of GAO's Fiscal Year 2005 budget submission. The GAO also requested additional legislative authorities so that the assessments could be part of their annual budget process.

This bill is in response to the December 2003 findings of GAO; it has been fully coordinated with the GAO and their findings. This bill also reflects the comments from the July 2003 National Academies workshop and the first review of the GAO by the expert panel in October of 2002.

Let me now outline several feature of this bill, and then I will comment on what this bill does not have.

First, the bill proposes to modify the GAO's organic act to give it the statutory authority to perform technology assessments as part of its advice to the Congress. In doing so, the GAO is directed make such technology assessments in a timely and objective fashion. One of the major issues with the OTA was that many of its reports were so in-depth that they missed the legislative cycle to make a substantive impact on a bill under consideration by the Congress. In addition to the longer, more in-depth reports, I expect that the GAO will give quick turn-around phone consultations on singular technology assessment questions by staff.

Second, it directs the Comptroller General to ensure that the GAO has the human resources expertise in technology and policy to ensure a high quality product.

Third, it directs the Comptroller General, to the maximum extent practicable, to be apprised of other ongoing efforts that may be providing information to the Congress.

Fourth, it directs the Comptroller to peer review all the technology assessment reports.

Fifth, it directs the Comptroller General to establish an advisory board in consultation with the National Academy of Sciences. This board shall provide external advice on the assessment topics, how they are selected, and methods to their improve timeliness and quality. Many times advisory boards are an extra overhead burden, but in this case, where the GAO is acting as a bridge between the outside technical community and the Congress, I feel it is important that some form of external peer review of the technology assessment process be present.

Sixth, it gives the GAO the necessary authority to enter into contracts with outside groups to obtain the information and technical feedback that does not reside within the GAO, thus avoiding the creation of a bureaucracy within the GAO.

Finally, it requires the GAO to submit an annual report to the Congress on its technology assessment activities from the prior year.

Let me explain what this authorization does not do.

First, it does not create a Technology Assessment Board consisting of members of Congress to help select topics. There was much concern that the OTA became almost beholden to its Technology Assessment Board to the dismay of other members of Congress. I have left the topic selection process to the GAO within their existing authorities, similar to the way they currently schedule and produce reports for members and committees. This process has been refined and tested over many years, and it is flexible enough to accommodate sudden high priority demands. I see no reason why scheduling technology assessments cannot be part of this bigger scheduling process, so that its demands are reflected in the overall scheduling priorities of the GAO.

Second, this legislation does not create a large legislative branch entity. The OTA had upwards of 200 people and a $30 million budget before it was disbanded in 1995. This authorization relies on a core internal group at the GAO that relies on outside entities to provide information where needed and to be a technical sounding board through workshops on a particular technology and its various policy implications.

This legislation strikes an important balance. It establishes some internal legislative branch capability to analyze how technology affects our policymaking duties. It fills a void left when the OTA was abolished by relying on a core team at the GAO using their existing authorities for topic selection. Finally, it provides an important bridge to the many nongovernmental entities and societies that give advice to the executive branch and Congress, while ensuring legislative branch objectivity and quality.

I hope my colleagues join me in supporting this legislation. I hope that it receives a hearing in the Governmental Affairs Committee, so that all sides of the fact finding process can be brought to bear on this bill's strengths and weaknesses, and in so doing, be improved and reported to the floor of the Senate for its full consideration and passage.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2556

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

SECTION 1. GENERAL ACCOUNTING OFFICE TECHNOLOGY ASSESSMENTS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) it is important for Congress to be better informed regarding the impact of technology on matters of public concern, including implications for economic, national security, social, scientific, and other national policies and programs;

(B) on a pilot basis, the General Accounting Office has demonstrated a capacity to perform independent and objective technology assessments for Congress; and

(C) the development of a cost-effective and efficient capacity for timely and deliberate technology assessments by the General Accounting Office requires the commitment of additional resources and administrative flexibility given the current resource constraints of the General Accounting Office.

(2) PURPOSES.—The purposes of this Act are to—

(A) direct the establishment of a technology assessment capability in the General Accounting Office;

(B) ensure the quality of such technology assessments in order to enhance the ability of Congress to address complex technical issues in a more timely and effective manner; and

(C) condition the development of a technology assessment capability in the General Accounting Office on the provision of adequate additional resources and administrative flexibility.

(b) TECHNOLOGY ASSESSMENTS.—Chapter 7 of title 31, United States Code, is amended by inserting after section 720 the following:

"§ 721. Technology assessments

''(a) The General Accounting Office shall establish a technology assessment capability to coordinate and prepare information for Congress relating to the policy implications of applications of technology.

''(b) The Comptroller General may establish standards and procedures to govern technology assessments performed under this section as the Comptroller General determines necessary.

''(c) Technology assessments performed under this section shall—

''(1) provide Congress with timely and objective information to contribute to legislative consideration of technology applications and their policy implications, including thorough reports, in-depth studies, and short-term consultations;

''(2) be undertaken by the Comptroller General with special attention to the technical expertise and policy analysis skills needed to perform a prospective assessment of technology applications and policy implications;

''(3) be designed, to the extent practicable, to review an application of technology to an issue of public interest, including consideration of benefits, cost, and risks from such technology; and

''(4) include peer review by persons and organizations of appropriate expertise.

''(d) In performing technology assessments, the Comptroller General shall be properly apprised of Federal and non-Federal entities providing information to Congress to—

''(1) enable effective coverage of critical issues; and

''(2) avoid duplication of effort.

''(e) Technology assessments performed under this section may be initiated as provided under section 717(b).

''(f)(1) In consultation with the National Academy of Sciences, the Comptroller General shall establish a technology assessment advisory panel to provide advice on technology assessments performed under this section, methodologies, possible subjects of study, and the means of improving the quality and timeliness of technology assessment services provided to Congress.

''(2) The advisory panel shall consist of 5 members, who by reason of professional background and experience, are specially qualified to advise on technology assessments.

''(3) Terms on the advisory panel shall—

''(A) be for a period of 2 years; and

''(B) begin on January 1, on each year in which a new Congress is convened.

''(4) Notwithstanding section 1342, for the purposes of establishing a technology assessment advisory panel, the Comptroller General may accept and use voluntary and uncompensated services (except for reimbursement of travel expenses). Individuals providing such voluntary and uncompensated services shall not be considered Federal employees, except for purposes of chapter 81 of title 5 and chapter 171 of title 28.

''(g)(1) In order to gain access to technical knowledge, skills, and expertise necessary for a technology assessment performed under this section, the Comptroller General may utilize individuals and enter into contracts or other arrangements to acquire needed expertise with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution.

''(2) Contracts and other arrangements under this subsection may be entered into—

''(A) with or without reimbursement; and

''(B) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or section 3324 of this title.

''(h) The Comptroller General shall submit to Congress an annual report on technology assessment activities of the General Accounting Office.

''(i)(1) There are authorized to be appropriated to the General Accounting Office to carry out the activities described in this section, $2,000,000 for each of fiscal years 2004, 2005, and 2006.

''(2) Technology assessments under this section may not be performed during fiscal years 2004, 2005, and 2006, unless a sufficient annual appropriation is provided for such fiscal years.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

''721. Technology assessments.''.

Mr. DURBIN. Mr. President, today, I am introducing a bill that would repeal a provision in the Consolidated Appropriations Act of 2004, regarding the amount of time that records of approved gun sales can be retained.

This provision, which will be enacted within the next month, was a measure that the House and Senate conferees agreed to drop, but nonetheless was inserted at the last minute into the Conference Report. That provision is opposed by law enforcement and threatens public safety because each year, it would allow hundreds of convicted felons, fugitives, and possibly even terrorists, to have firearms—even though they are prohibited by Federal law from having one.

Under the Brady Handgun Violence Prevention Act, licensed firearms dealers generally are prohibited from transferring firearms to an individual until a search of the National Instant Criminal Background Check System (NICS) determines that the transfer would not violate applicable Federal or

State law. For example, these background checks determine if someone is a convicted felon; convicted of a crime of domestic violence or under a domestic violence restraining order; or a fugitive. Current regulations allow the records of approved firearms sales to be retained in a computer database, known as the NICS Audit Log, for up to 90 days, after which the records must be destroyed.

The NICS Audit Log provides many useful and necessary functions. First, it allows examiners to determine if, based on new information, someone who was allowed to receive a firearm is in fact prohibited by federal law from doing so. Second, the NICS Audit Log allows the FBI to search for patterns of fraud and abuse by both gun dealers and purchasers. Finally, it can help determine if gun buyers have submitted false identification in order to thwart the background check system.

The provision that my legislation today would repeal reduced the time these records may be retained from 90 days to 24 hours. This will decrease the effectiveness of the NICS Audit Log and have a dramatic, negative impact on public safety.

In July 2001, the Department of Justice proposed an almost-identical change to the NICS regulations. In response to that proposal, I asked the non-partisan General Accounting Office to conduct a study on its possible effects. The key finding of this study was: ''Regarding public safety, the FBI would lose certain abilities to initiate firearm-retrieval actions when new information reveals that individuals who were approved to purchase firearms should not have been. Specifically, during the first 6 months of the current 90–day retention policy, the FBI used retained records to initiate 235 firearm-retrieval actions, of which 228, 97 percent, could not have been initiated under the proposed next-day destruction policy.''

Therefore, if this provision is not repealed, each year, more than 450 people who are prohibited by federal law from having a firearm nonetheless will have one.

This number could even be much higher. In the 6 months examined by the GAO, the FBI determined that an additional 179 transactions were initially approved and reversed more than one day later, but did not result in actual firearm sales. In other words, during this six-month period, the background checks yielded a total of 407 mistakes that would not have been caught if the NICS record retention period had been shortened to 24 hours.

Given this negative effect on public safety, many law enforcement agencies and officials have expressed their opposition. For example, the Law Enforcement Steering Committee (LESC), a nonpartisan coalition of organizations representing law enforcement management, labor, and research, is ''concerned with provisions included in the omnibus bill addressing firearms purchasing and the reduction of law enforcement oversight.'' The nine organizations in the LESC are the following: the Federal Law Enforcement Officers Association, the International Brotherhood of Police Officers, the Major Cities Chiefs Association, the Major County Sheriff's Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Executive Research Forum, and the Police Foundation.

The Federal Bureau of Investigation Agents Association, a non-governmental professional association with a membership of nearly 9,000 current and more than 2,000 retired FBI agents nationwide has written: ''The more the retention period is reduced, the more difficult it would become to use the paperwork to investigate or prosecute crimes related to the use of sales of the firearms in question. Any such efforts can only complicate the already difficult task of law enforcement and jeopardize public safety.''

Although the FBI Agents Association does not speak for the official FBI, it is worth noting that the FBI's NICS Operations Report in March 2000 recommended extending the retention period from 90 days to one year and noted that the Advisory Policy Board concurred with that recommendation.

Finally, the International Association of Chiefs of Police, the world's oldest and largest association of law enforcement executives, with more than 19,000 members in 90 countries, stands behind its 2001 letter to the FBI, in which the IACP wrote: ''We believe that decreasing the amount of time the purchase records are kept will weaken the background check system and allow more criminals to illegally obtain weapons. . . . The IACP believes that the 90-day retention period should not be shortened. Decreasing the retention period of these records to one business day will not provide law enforcement with sufficient time to perform the necessary audits on the NICS system as established by the Brady Act.''

In addition to the threat to public safety, this provision will have monetary costs. According to the GAO report, the FBI has determined that when this change in the NICS retention policy is implemented, many of the audits currently conducted on a monthly or quarterly basis would have to be conducted on a real-time basis—either hourly or daily. The FBI has said it would need to add 10 staff members to conduct these real-time audits, which would bring the total number of audit staff to 19.

Especially in this time of increased attention to homeland security, this is not the proper allocation of our limited resources. Unless we repeal this provision, we will be funding ten additional FBI staff members to implement a policy that would allow hundreds of convicted felons and fugitives to keep their firearms. That clearly does not make sense.

The clock is ticking: this provision will go into effect in less than a month, before July 21, 2004. We must act now to keep firearms out of the hands of hundreds of convicted felons, fugitives, and terrorists each year. I urge my colleagues to join me in support of this important, commonsense legislation to promote public safety and to ensure that similar provisions are not enacted in future appropriation legislation.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 2558. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system towards prevention, wellness, and self care; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Health Care Assurance Act of 2004, which is legislation designed to cover the 43 million Americans who are currently not covered, and to provide for offsets in cost to cover the expenditures in covering the 43 million Americans who are now not covered.

The United States has the greatest health care system in the world, and it is desirable, in my opinion, to incrementally change the health care system to cover those who are now not covered as opposed to having some vast bureaucracy take over, with the Government taking all of the responsibility.

I have introduced health care legislation in some detail during the course of my tenure in the Senate and have been privileged to be the chairman of the Appropriations Subcommittee on Health and Human Services since 1995, where, working collaboratively with Senator HARKIN, the ranking, senior Democrat on the subcommittee, we have increased funding in the National Institutes of Health, done extensive work on stem cell research, and provided a great many health care programs. The legislation which I am introducing today I introduce on behalf of Senator HARKIN and myself.

The essence of this legislation would provide for small employer and individual group purchasing so small employers or individuals can have the benefit of what large companies get by virtue of more purchasing power. That expenditure would run, over a 10-year period, at $300 million.

There is considerable loss of coverage when people change jobs. On the so-called portability, this legislation provides in some detail for covering people between jobs, at a cost of about $101 billion over the course of the 10-year period.

Financial incentives for young adults are provided. There is an outreach program for Medicaid-eligible low-income families. There is expanded coverage for the State Children's Health Insurance Program and their families.

The total cost of the programs over a 10-year period would be $540 billion. There are savings specified and identified in the course of this bill to make

up for that money, for one thing, improving the program integrity and efficiency in the Medicare Program by having more audits to stop fraud in a very active way by reducing medical errors. The Institute of Medicine published a report identifying up to 98,000 deaths a year due to medical errors. They specified a program for saving up to $150 billion over a 10-year period by reducing medical errors.

The Subcommittee on Health and Human Services, which I chair, had provided funding to move ahead in implementing the reduction in those errors. There would be savings from improving health care quality, efficiency, and consumer education, and there would be considerable savings in primary and preventative care providers.

There needs to be a great deal of additional education. One statistic which I found of concern was that there are 14 million Americans who qualify for Medicaid programs, being below the 200 percent of poverty, who don't seek the coverage and don't know of its availability. In our Health and Human Services bill, we are providing funding to try to move ahead with an educational program.

Last month, a nonpartisan campaign was launched to call attention to the plight of more than 43 million Americans under age 65 who lack health insurance coverage. Two former presidents—Gerald Ford and Jimmy Carter—cochaired the effort. They were supported by nine former Surgeons General and Department of Health and Human Services Secretaries, as well as some of the most influential organizations in this country, including the AFL–CIO and the U.S. Chamber of Commerce. Nearly 1,500 public events took place throughout the country, all designed to bring together diverse interests around a single objective: to insist that all Americans have access to health insurance coverage.

Here in the Senate, a special task force appointed by Majority Leader FRIST and headed by my distinguished colleague Senator JUDD GREGG issued a series of recommendations for addressing this problem.

Well before last month, we knew that, contrary to what some assume, the ranks of the uninsured consisted primarily of working families with low and moderate incomes—not just the unemployed.

We knew that the lack of insurance ultimately compromises a person's health because he or she is less likely to receive preventive care, is more likely to be hospitalized for avoidable health problems, and is more likely to be diagnosed in the late stages of diseases.

And we knew that the lack of insurance coverage leaves individuals and their families more financially vulnerable to higher out-of-pocket costs for their medical bills.

As I have said many times, we can fix the problems felt by uninsured Americans without resorting to big government and without completely overhauling our current system, one that works well for most Americans—serving over 82 percent of our non-elderly citizens. We must enact reforms that improve upon our current market-based health care system, as it is clearly the best health care system in the world.

When you hear the term ''uninsured'' you immediately think of men and women who are unemployed and their children. The unemployed make up approximately 18 percent of Americans who lack health insurance. However, nearly 26 million individuals are employed and still are without health care coverage. Approximately 14 million employed individuals have household incomes below 200 percent of the Federal poverty level and are eligible for public health insurance programs, but have not applied. This statistic includes 4 million children who are eligible for Medicaid and the State Children's Health Insurance program.

Because of early retirements, nearly 10 percent of people between the ages of 55 and 64, are uninsured.

Approximately 25 to 30 percent of young adults between the ages of 18 and 34 are uninsured.

Immigrants and their U.S.-born children represent more than 90 percent of the increase in the uninsured population since 1989.

In the United States, in 2003, $1.7 trillion was spent on health care or more than $5,800 per person. It is projected that annual health care expenditures will exceed $3.4 trillion by 2013 or 18 percent of gross domestic product. Costs of covering the uninsured in 2004 dollars is approximately $48 billion or $500 plus billion over 10 years. These costs are in addition to the $125 billion per year currently spent for Medicare and Medicaid payments, out of pocket expenses paid by the uninsured and other state and local programs.

Accordingly, today I am introducing the Health Care Assurance Act of 2004. This legislation would provide health care coverage for all Americans who are currently uninsured. The bill's $540 billion price tag, over the next 10 years, would be offset by improving program integrity and efficiency, a reduction in medical errors, increasing the use of medical technology, and preventive health measures, including improving health care quality and consumer education. Let me briefly summarize the provisions of this legislation.

(1) Small Employer and Individual Purchasing Groups: This legislation establishes voluntary small employer and individual purchasing groups designed to provide affordable, comprehensive health coverage options for employers, their employees, and other uninsured individuals and their families. Health plans offering coverage through such groups will: (1) provide a standard, actuarially equivalent health benefits package; (2) adjust community rated premiums by age and family size in order to spread risk and provide price equity to all; and (3) meet guidelines for marketing practices. This provision would cost $300 million over 10 years and provide coverage to approximately 15.6 million Americans who are currently uninsured.

(2) COBRA Portability Reform: For those persons who are uninsured between jobs and for insured persons who fear losing coverage should they lose their jobs, this legislation would reform the existing COBRA law by: (1) extending to 24 months the minimum time period in which COBRA may cover individuals through their former employers' plan; (2) expanding coverage options to include plans with a lower premium and a $1,000 deductible—saving a typical family of four 20 percent in monthly premiums—and plans with a lower premium and a $3,000 deductible—saving a family of four 52 percent in monthly premiums. This provision would cost $101.7 billion over 10 years and would cover 8.5 million people.

(3) State Based Program of Financial Incentives to Young Adults: This legislation creates a $4 billion a year grant program which consists of financial incentives for full-time independent college students, part-time students, recent graduates and other young adults without health insurance coverage. Coverage would be offered through existing State programs, such as State high risk insurance pools and would be limited so that when individuals are hired, they receive health insurance through their employer. This provision would cost $40 billion over 10 years and would cover 4 million people who are currently uninsured.

(4) Outreach Programs for Low-Income Families Who are Eligible to Enroll in Medicaid: This program is designed to improve coverage through existing public and private health care programs by making low-income parents aware of State child health insurance programs. The legislation would also improve knowledge concerning public health benefits of health insurance coverage, including the advantages of receiving prevention and wellness services. This new outreach program would involve the Departments of Agriculture, Health and Human Services, the Social Security Administration and other Federal agencies to improve knowledge about health insurance coverage available through public programs. Outreach will be targeted to eligible populations and be designed in a culturally appropriate manner and identify particularly hard to reach populations, including recent immigrants and migrant and seasonal farm workers. This provision would cost $4 billion over 10 years and would cover up to 3 million previously uninsured individuals.

(5) Expansion of the State Children's Health Insurance Program and Family Coverage: The legislation would increase the income eligibility to families with incomes at or below 235 percent of the Federal poverty level,

$44,486 annually for a family of four, and would also, for the first time, provide health insurance to the child's family. This provision would cost $394 billion over 10 years and would cover 12.4 million children and extend coverage to their families.

(6) Improving Program Integrity and Efficiency in the Medicare Program: The bill would raise the cap on Medicare contractor audit funding/program integrity from $720 million to $1 billion over a 5-year period. This provision would save an estimated $60 billion over the next 10 years.

(7) Reducing Medical Errors and Increasing the Use of Medical Technology: A provision is included that would provide for demonstration programs to test best practices for reducing errors, testing the use of appropriate technologies to reduce medical errors, such as hand-held electronic medication systems, and research in geographically diverse locations to determine the causes of medical errors. To assist in the development by the private sector of needed technology standards, the bill would provide for ways to examine use of information technology and coordinate actions by the Federal Government and ensure that this investment will further the national health information and infrastructure. This section of the legislation is projected to save $150 billion over the next 10 years.

(8) Improving Health Care Quality, Efficiency and Consumer Education: The legislation would set up demonstration projects to educate the public regarding wise consumer choices about their health care, such as appropriate health care costs and quality control information. The Department of HHS would be tasked with developing public service announcements to educate the public about their coverage choices, eligibility and preventive care services. Also included in this title is a provision on ways to improve the effectiveness and portability of advance directives and living wills. Projected cost savings of this section of the bill is $70 billion over the next 10 years.

(9) Primary and Preventive Care Services: Language is included to encourage the use of nonphysician providers such as nurse practitioners, physician assistants, and clinical nurse specialists by increasing direct reimbursement under Medicare and Medicaid without regard to the setting where services are provided. The bill also seeks to encourage students early on in their medical training to pursue a career in primary care and it provides assistance to medical training programs to recruit such students. The savings from this provision is estimated at $260 billion over a 10 year period.

The bill I am introducing today is distinct from my longstanding efforts regarding managed care reform. During the 105th, 106th, and 107th Congresses, I joined a bipartisan group of Senators to introduce the Promoting Responsible Managed Care Act of 1998, 1999, and 2001 balanced proposals which would ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care.

I have advocated health care reform in one form or another throughout my 24 years in the Senate. My strong interest in health care dates back to my first term, when I sponsored S. 811, the Health Care for Displaced Workers Act of 1983, and S. 2051, the Health Care Cost Containment Act of 1983, which would have granted a limited antitrust exemption to health insurers, permitting them to engage in certain joint activities such as acquiring or processing information, and collecting and distributing insurance claims for health care services aimed at curtailing then escalating health care costs. In 1985, I introduced the Community-based Disease Prevention and Health Promotion Projects Act of 1985, S. 1873, directed at reducing the human tragedy of low birth weight babies and infant mortality. Since 1983, I have introduced and cosponsored numerous other bills concerning health care in our country.

During the 102nd Congress, I pressed the Senate to take action on the health care market issue. On July 29, 1992, I offered an amendment to legislation then pending on the Senate floor, which included a change from 25 percent to 100 percent deductibility for health insurance purchased by self-employed individuals, and small business insurance market reforms to make health coverage more affordable for small businesses. Included in this amendment were provisions from a bill introduced by the late Senator John Chafee, legislation which I cosponsored and which was previously proposed by Senators Bentsen and Durenberger. When then-majority leader Mitchell argued that the health care amendment I was proposing did not belong on that bill, I offered to withdraw the amendment if he would set a date certain to take up health care, similar to an arrangement made on product liability legislation, which had been placed on the calendar for September 8, 1992. The majority leader rejected that suggestion, and the Senate did not consider comprehensive health care legislation during the balance of the 102nd Congress. My July 29, 1992 amendment was defeated on a procedural motion by a vote of 35 to 60, along party lines.

The substance of that amendment, however, was adopted later by the Senate on September 23, 1992, when it was included in a Bentsen/Durenberger amendment which I cosponsored to broaden tax legislation, H.R. 11. This amendment, which included essentially the same self-employed tax deductibility and small group reforms I had proposed on July 29 of that year, passed the Senate by voice vote. Unfortunately, these provisions were later dropped from H.R. 11 in the House-Senate conference.

On August 12, 1992, I introduced legislation entitled the Health Care Affordability and Quality Improvement Act of 1992, S. 3176, that would have enhanced informed individual choice regarding health care services by providing certain information to health care recipients, would have lowered the cost of health care through use of the most appropriate provider, and would have improved the quality of health care.

On January 21, 1993, the first day of the 103rd Congress, I introduced the Comprehensive Health Care Act of 1993, S. 18. This legislation consisted of reforms that our health care system could have adopted immediately. These initiatives would have both improved access and affordability of insurance coverage and would have implemented systemic changes to lower the escalating cost of care in this country. S. 18 is the principal basis of the legislation I introduced in the last five Congresses as well as this one.

On March 23, 1993, I introduced the Comprehensive Access and Affordability Health Care Act of 1993, S. 631, which was a composite of health care legislation introduced by Senators COHEN, KASSEBAUM, BOND, and MCCAIN, and included pieces of my bill, S. 18. I introduced this legislation in an attempt to move ahead on the consideration of health care legislation and provide a starting point for debate. As I noted earlier, I was precluded by majority leader Mitchell from obtaining Senate consideration of my legislation as a floor amendment on several occasions. Finally, on April 28, 1993, I offered the text of S. 631 as an amendment to the pending Department of the Environment Act, S. 171, in an attempt to urge the Senate to act on health care reform. My amendment was defeated 65 to 33 on a procedural motion, but the Senate had finally been forced to contemplate action on health care reform.

On the first day of the 104th Congress, January 4, 1995, I introduced a slightly modified version of S. 18, the Health Care Assurance Act of 1995, also S. 18, which contained provisions similar to those ultimately enacted in the Kassebaum-Kennedy legislation, including insurance market reforms, an extension of the tax deductibility of health insurance for the self employed, and tax deductibility of long term care insurance.

I continued these efforts in the 105th Congress, with the introduction of Health Care Assurance Act of 1997, S. 24, which included market reforms similar to my previous proposals with the addition of a new Title I, an innovative program to provide vouchers to States to cover children who lack health insurance coverage. I also introduced Title I of this legislation as a stand-alone bill, the Healthy Children's Pilot Program of 1997, S. 435, on March 13, 1997. This proposal targeted the approximately 4.2 million children of the working poor who lacked health insurance at that time. These are children

whose parents earn too much to be eligible for Medicaid, but do not earn enough to afford private health care coverage for their families.

This legislation would have established a $10 billion/5-year discretionary pilot program to cover these uninsured children by providing grants to States. Modeled after Pennsylvania's extraordinarily successful Caring and BlueCHIP programs, this legislation was the first Republican-sponsored children's health insurance bill during the 105th Congress.

I was encouraged that the Balanced Budget Act of 1997, signed into law on August 5, 1997, included a combination of the best provisions from many of the children's health insurance proposals throughout this Congress. The new legislation allocated $24 billion over 5 years to establish State Child Health Insurance Programs, funded in part by a slight increase in the cigarette tax.

During both the 106th and 107th Congresses, I again introduced the Health Care Assurance Act. These bills contained similar insurance market reforms, as well as new provisions to augment the new State Child Health Insurance Program, to assist individuals with disabilities in maintaining quality health care coverage, and to establish a National Fund for Health Research to supplement the funding of the National Institutes of Health. All these new initiatives, as well as the market reforms that I supported previously, work toward the goals of covering more individuals and stemming the tide of rising health costs.

My commitment to the issue of health care reform across all populations has been consistently evident during my tenure in the Senate, as I have taken to this floor and offered health care reform bills and amendments on countless occasions. I will continue to stress the importance of the Federal Government's investment in and attention to the system's future.

As my colleagues are aware, I can personally report on the miracles of modern medicine. Nearly 10 years ago, an MRI detected a benign tumor, meningioma, at the outer edge of my brain. It was removed by conventional surgery, with 5 days of hospitalization and 5 more weeks of recuperation.

When a small regrowth was detected by a follow-up MRI in June 1996, it was treated with high powered radiation using a remarkable device called the ''Gamma Knife.'' I entered the hospital on the morning of October 11, 1996, and left the same afternoon, ready to resume my regular schedule. Like the MRI, the Gamma Knife is an innovation, coming into widespread use only in the past decade.

In July 1998, I was pleased to return to the Senate after a relatively brief period of convalescence following heart bypass surgery. This experience again led me to marvel at our health care system and made me more determined than ever to support Federal funding for biomedical research and to support legislation which will incrementally make health care available to all Americans.

My concern about health care has long pre-dated my own personal benefits from the MRI and other diagnostic and curative procedures. As I have previously discussed, my concern about health care began many years ago and has been intensified by my service on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, which I now have the honor to chair.

My own experience as a patient has given me deeper insights into the American health care system beyond my perspective from the U.S. Senate. I have learned: (1) our health care system, the best in the world, is worth every cent we pay for it; (2) patients sometimes have to press their own cases beyond doctors' standard advice; (3) greater flexibility must be provided on testing and treatment; (4) our system has the resources to treat the 40.9 million Americans currently uninsured, but we must find the way to pay for it; and (5) all Americans deserve the access to health care from which I and others with coverage have benefited.

I have long been convinced that our Federal budget of $2.4 trillion could provide sufficient funding for America's needs if we establish our real priorities. Over the past 10 years, I believe we have learned a great deal about our health care system and what the American people are willing to accept from the Federal Government. The message we heard loudest was that Americans do not want a massive overhaul of the health care system. Instead, our constituents want Congress to proceed at a slower pace and to target what is not working in the health care system while leaving in place what is working.

While I would have been willing to cooperate with the Clinton administration in addressing this Nation's health care problems, I found many areas where I differed with President Clinton's approach to solutions. I believe that the proposals would have been deleterious to my fellow Pennsylvanians, to the American people, and to our health care system as a whole. Most importantly, as the President proposed in 1993, I did not support creating a large new government bureaucracy because I believe that savings should go to health care services and not bureaucracies.

On this latter issue, I first became concerned about the potential growth in bureaucracy in September 1993 after reading the President's 239-page preliminary health care reform proposal. I was surprised by the number of new boards, agencies, and commissions, so I asked my legislative assistant, Sharon Helfant, to make me a list of all of them. Instead, she decided to make a chart. The initial chart depicted 77 new entities and 54 existing entities with new or additional responsibilities.

When the President's 1,342-page Health Security Act was transmitted to Congress on October 27, 1993, my staff reviewed it and found an increase to 105 new agencies, boards, and commissions and 47 existing departments, programs and agencies with new or expanded jobs. This chart received national attention after being used by Senator Bob Dole in his response to the President's State of the Union address on January 24, 1994.

The response to the chart was tremendous, with more than 12,000 people from across the country contacting my office for a copy; I still receive requests for the chart nearly ten years later. Groups and associations, such as United We Stand America, the American Small Business Association, the National Federation of Republican Women, and the Christian Coalition, reprinted the chart in their publications—amounting to hundreds of thousands more in distribution. Bob Woodward of the Washington Post later stated that he thought the chart was the single biggest factor contributing to the demise of the Clinton health care plan. And during the November 1996 election, my chart was used by Senator Dole in his presidential campaign to illustrate the need for incremental health care reform as opposed to a big government solution.

The Department of Health and Human Services has stated that the health care, education, and child care for the 3.5 to 4 million low-birth-weight infants and children from their births to the time they reach 15 years old costs between $5.5 and $6 billion more than what it would have cost if those children had been born at normal weight. We know that in most instances, prenatal care is effective in preventing low-birth-weight babies. Numerous studies have demonstrated that low birth weight does not have a genetic link, but is instead most often associated with inadequate prenatal care or the lack of prenatal care. The short and long-term costs of saving and caring for infants of low birth weight are staggering.

It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw one pound babies in 1984 when I was astounded to learn that Pittsburgh, PA, had the highest infant mortality rate of African-American babies of any city in the United States. I wondered how that could be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a one pound baby, about as big as my hand. However, I am pleased to report that as a result of successful prevention initiatives like the Federal Healthy Start program, Pittsburgh's infant mortality has decreased 20 percent.

To improve pregnancy outcomes for women at risk of delivering babies of low birth weight and to reduce infant mortality and the incidence of low-birth-weight births, as well as improving the health and well-being of mothers and their families, I initiated action that led to the creation of the

Healthy Start program in 1991. Working with the first Bush administration and Senator HARKIN, as chairman of the Appropriations Subcommittee, we allocated $25 million in 1991 for the development of 15 demonstration projects. This number grew to 22 in 1994, to 75 projects in 1998, and the Health Resources and Services Administration expects this number to continue to increase. For fiscal year 2004, we secured $98 million for this vital program.

To help children and their families to truly get a healthy start requires that we continue to expand access to Head Start. This important program provides comprehensive services to low income children and families, including health, nutritional and social services that children need to achieve the school readiness goal of Head Start. I have strongly supported expanding this program to cover more children and families. Since FY'00, funding for Head Start has increased from $5.3 billion to the FY'04 level of $6.8 billion. Additional funding has extended the reach of this important program to the current level of approximately 920,000 children.

Our attention to improved health of children shifts to the school house door, as all children enroll in schools throughout the Nation. And it is in the schools where we have taken our next steps to improve the overall health of the Nation and reduce preventable health care expenditures. In the past 15 years, obesity has increased by over 50 percent among adults and in the past 20 years, obesity has increased by 100 percent among children and adolescents. A recent analysis by the National Institute of Child Health and Human Development, NICHD, Study of Early Child Care and Youth Development found that third grade children in the study received an average of 25 minutes per week in school of moderate to vigorous activity, while experts in the United States have recommended that young people should participate in physical activity of at least moderate intensity for 30 to 60 minutes each day. That is why I have supported increased funding for the Carole M. White Physical Education for Progress program. Since it was first funded at $5 million in FY 2001, this program has grown to $70 million in FY 2004. These funds help school districts and community based programs across the country improve and expand physical education programs in school, while also helping children develop healthy lifestyles to combat the epidemic of obesity in the Nation.

The Labor-HHS bill also has made great strides in increasing funding for a variety of public health programs, such as breast and cervical cancer prevention, childhood immunizations, family planning, and community health centers. These programs are designed to improve public health and prevent disease through primary and secondary prevention initiatives. It is essential that we invest more resources in these programs now if we are to make any substantial progress in reducing the costs of acute care in this country.

As chairman of the Labor, HHS and Education Appropriations Subcommittee, I have greatly encouraged the development of prevention programs which are essential to keeping people healthy and lowering the cost of health care in this country. In my view, no aspect of health care policy is more important. Accordingly, my prevention efforts have been widespread.

I joined my colleagues in efforts to ensure that funding for the Centers for Disease Control and Prevention, CDC, increased $3.9 billion or 390 percent since 1989, for a fiscal year 2004 total of $4.9 billion. We have also worked to increase funding for CDC's breast and cervical cancer early detection program to $209.5 million in fiscal year 2004, almost double its 1993 total.

I have also supported programs at CDC which help children. CDC's childhood immunization program seeks to eliminate preventable diseases through immunization and to ensure that at least 90 percent of 2-year-olds are vaccinated. The CDC also continues to educate parents and caregivers on the importance of immunization for children under 2 years. Along with my colleagues on the Appropriations Committee, I have helped ensure that funding for this important program together with the complementary Vaccines for Children Program has grown from $914 million in 1999 to $1.8 billion in fiscal year 2004. The CDC's lead poisoning prevention program annually identifies about 50,000 children with elevated blood levels and places those children under medical management. The program prevents the amount of lead in children's blood from reaching dangerous levels and has grown from $38.2 million in fiscal year 2000 to $41.7 million in fiscal year 2004.

In recent years, we have also strengthened funding for Community Health Centers, which provide immunizations, health advice, and health professions training. These centers, administered by the Health Resources and Services Administration, provide a critical primary care safety net to rural and medically underserved communities, as well as uninsured individuals, migrant workers, the homeless, residents of public housing, and Medicaid recipients. Funding for Community Health Centers has increased from $1 billion in fiscal year 2000 to $1.6 billion in fiscal year 2004.

As former chairman of the Select Committee on Intelligence and current chairman of the Appropriations Subcommittee with jurisdiction over nondefense biomedical research, I have worked to transfer CIA imaging technology to the fight against breast cancer. Through the Office of Women's Health within the Department of Health and Human Services, I secured a $2 million contract in fiscal year 1996 for a research consortium led by the University of Pennsylvania to perform the first clinical trials testing the use of intelligence technology for breast cancer detection. My Appropriations subcommittee has continued to provide funds to continue these clinical trials.

In 1998, I cosponsored the Women's Health Research and Prevention Amendments, which was signed into law later that year. This bill revised and extended certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

In 1996, I also cosponsored an amendment to the Fiscal Year 1997 VA–HUD Appropriations bill which required that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child. This bill became law in 1996.

I have also been a strong supporter of funding for AIDS research, education, and prevention programs.

During the 101st Congress I cosponsored the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 which amended the Public Health Service Act to direct the Secretary of Health and Human Services, through the administrator of the Health Resources and Services Administration, to make grants in any metropolitan area that has reported and confirmed more than 2,000 acquired immune deficiency syndrome, AIDS, cases or a per capita incidence of at least 0.0025, eligible area. This legislation requires that the grants be directed to the chief elected official of the city or urban county that administers the public health agency serving the greatest number of individuals with AIDS in the eligible area. This bill became law in 1990.

During the 104th Congress I cosponsored the Ryan White CARE Reauthorization Act of 1995 which provided federal funds to metropolitan areas and states to assist in health care costs and support services for individuals and families affected by acquired immune deficiency syndrome, AIDS, or infection with the human immunodeficiency virus, HIV. This bill became law in 1996.

Funding for Ryan White AIDS programs has increased from $757.4 million in 1996 to $2.02 billion for fiscal year 2004. Within the fiscal year 2004 funding, $73 million was included for pediatric AIDS programs and $749 million for the AIDS Drug Assistance Program, ADAP. AIDS research at the NIH totaled $742.4 million in 1989, and has increased to an estimated $2.9 billion in fiscal year 2004.

The health care community continues to recognize the importance of prevention in improving health status and reducing health care costs. The Balanced Budget Act of 1997 and the Consolidated Omnibus Appropriations Act of fiscal year 2001 established new and enhanced preventive benefits within the Medicare program, such as flu

shots, bone mass measurements, yearly mammograms, biennial pap smears and pelvic exams, and coverage of colonoscopy for high risk patients. However, some of these ''wellness'' benefits have cost obligations, such as co payments or deductibles. In this bill, I have also included provisions which refine and strengthen preventive benefits within the Medicare program, including coverage of yearly pap smears, pelvic exams, and screening and diagnostic mammography with no copayment or Part B deductible; and coverage of insulin pumps for certain Type I Diabetics.

During the 102nd Congress, I cosponsored an amendment to the Veterans' Medical Programs Amendments of 1992 which included improvements to health and mental health care and other services to veterans by the Department of Veterans Affairs. This bill became law in 1992.

During the 106th Congress, I sponsored the Veterans Benefits and Health Care Improvement Act of 2000 which increased amounts of educational assistance for veterans under the Montgomery GI Bill and enhanced health programs. This bill became law in 2000.

I also sponsored the Department of Veterans Affairs Long-Term Care and Personnel Authorities Enhancement Act which improved and enhanced the provision of health for veterans. This bill became law in 2003.

I cosponsored the Jobs and Growth Tax Relief Reconciliation Act which became law in 2003. This Act provided $20 billion in fiscal relief to the states, half of which went toward Medicaid relief.

In 1996, I cosponsored the Health Coverage Availability and Affordability Act, which improved the portability and continuity of health insurance coverage in the group and individual markets, combated waste, fraud, and abuse in health insurance and health care delivery, promoted the use of medical savings accounts, improved access to long-term care services and coverage, and simplified the administration of health insurance. This bill became law in 1996.

On November 29, 1999, the Institute of Medicine, IOM, issued a report entitled ''To Err is Human: Building a Safer Health System.'' The IOM Report estimated that anywhere between 44,000 and 98,000 hospitalized Americans die each year due to avoidable medical mistakes. However only a fraction of these deaths and injuries are due to negligence; most errors are caused by system failures. The IOM issued a comprehensive set of recommendations, including the establishment of a nationwide, mandatory reporting system; incorporation of patient safety standards in regulatory and accreditation programs; and the development of a nonpunitive ''culture of safety'' in health care organizations. The report called for a 50 percent reduction in medical errors over 5 years.

After the report was issued I held a series of three LHHS hearings on medical errors: Dec. 13, 1999—to discuss the findings of the Institute of Medicine's report on medical errors; Jan. 25, 2000—a joint hearing with the Committee on Veterans' Affairs to discuss a national error reporting system and the VA's national patient safety program; Feb. 22, 2000—a joint hearing with the HELP Committee to discuss the Administration's strategy to reduce medical errors.

After hearing from Government witnesses and experts in the field on medical errors, I included $50 million in the FY 2001 Senate Labor, Health and Human Services and Education for a patient safety initiative. In the Senate report I also directed the Agency for Healthcare Research and Quality, AHRQ, to: (1) develop guidelines on the collection of uniform error data; (2) establish a competitive demonstration program to test ''best practices;'' and (3) research ways to improve provider training.

The committee also directed AHRQ to prepare an interim report to Congress concerning the results of the demonstration program within 2 years of the beginning of the projects. The FY 2002 Senate report directed AHRQ to submit a report detailing the results of its initiative to reduce medical errors. HHS combined both reports into one, which it submitted to me earlier this year.

Since FY 2001 the Labor/HHS Subcommittee has included within the Agency for Healthcare Research and Quality funding for research into ways to reduce medical errors. The FY 2002 appropriation was $55 million, in FY 2003 another $55 million was provided, in FY 2004 the appropriation was increased to $79.5 million and in FY 2005, while still pending Senate action a figure of $84 million is proposed.

Statistics find that 30 percent of Medicare expenditures occur during a person's last year of life and beyond the last year of life, a tremendous percentage of medical costs occur in the last month, in the last few weeks, in the last week, or in the last few days.

A New England Journal of Medicine article stated that as much as 3.3 percent of national health care costs could be saved yearly by reducing the use of end of life interventions. While some estimates of the end of life costs have been projected to be over $500 billion, over a 10-year period, the cost analysis in this bill does not include any of these estimates in the projected savings calculations.

The issue of cutting back on end of life treatments is such a sensitive subject and no one should decide for anybody else what that person should have by way of end-of-life medical care. What care ought to be available is a very personal decision.

Living wills give an individual an opportunity to make that judgment, to make a decision as to how much care he or she wanted near the end of his or her life and that is, to repeat, a matter highly personalized for the individual.

As part of a public education program, I included an amendment to the Medicare Prescription Drug and Modernization Act of 2003 which directed the Secretary of Health and Human Services to include in its annual ''Medicare And You'' handbook, a section that specifies information on advance directives and details on living wills and durable powers of attorney regarding a person's health care decisions.

As chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have worked to provide much-needed resources for hospitals, physicians, nurses, and other health care professionals. The National Institutes of Health provides funding for biomedical research at our Nation's universities, hospitals, and research institutions. I led the effort to double funding for the National Institutes of Health over 5 years. Funding for the NIH has increased from $11.3 billion in fiscal year 1995 to $28 billion in fiscal year 2004.

An adequate number of health professionals, including doctors, nurses, dentists, psychologists, laboratory technicians, and chiropractors is critical to the provision of health care in the United States. I have worked to provide much needed funding for health professional training and recruitment programs. In fiscal year 2004, these vital programs received $436 million. Nurse education and recruitment alone has been increased from $58 million in fiscal year 1996 to $142 million in fiscal year 2004.

Once recruited and trained, health professionals must be given the resources to provide quality health care in all areas of the country. Differences in reimbursement rates between rural and urban areas have led to significant problems in health professional retention. During the debate on the Balanced Budget Refinement Act 2, which passed as part of the FY 2001 consolidated appropriations bill, I attempted to reclassify some Northeastern hospitals in Pennsylvania to a Metropolitan Statistical Area with higher reimbursement rates. Due to the large volume of requests from other states, we were not able to accomplish these reclassifications for Pennsylvania. However, as part of the FY 2004 Omnibus Appropriations bill, I secured $7 million for twenty northeastern Pennsylvania hospitals affected by area wage index shortfalls.

As part of the Medicare Prescription Drug and Medicare Improvement Act of 2003, which passed the Senate on November 25, 2003, a $900 million program was established to provide a one-time appeal process for hospital wage index reclassification. Thirteen Pennsylvania hospitals were approved for funding through this program in Pennsylvania.

The following table outlines the $540 billion in projected health care costs offset by the $540 billion in health care saving assumptions contained in the

provisions of the Health Care Assurance Act of 2004. These costs and savings are for a 10-year period.

	Projected health care costs
Small Employer and Individual Purchasing Groups	$300,000,000
COBRA Portability Reform	101,700,000,000
Financial Incentives for Young Adults	40,000,000,000
Outreach Program for Medicaid Eligible Low-Income Families	4,000,000,000
Expanded Coverage for the State Children's Health Insurance Program and Their Families	394,000,000,000
Total—Projected Health Care Costs	540,000,000,000

	Projected health care savings
Improving Program Integrity/Efficiency in the Medicare Program	$60,000,000,000
Reducing Medical Errors and Increasing Medical Technology	150,000,000,000
Improving Health Care Quality, Efficiency and Consumer Education	70,000,000,000
Primary and Preventive Care Providers	260,000,000,000
Total—Projected Health Care Savings	540,000,000,000

The provisions which I have outlined today contain my ideas for a framework to provide affordable, quality health care for all Americans. I am opposed to rationing health care. I do not want rationing for myself, for my family, or for America. I believe we can provide care for the 43 million Americans who are now not covered by savings in other areas of the $1.7 trillion currently being spent on health care. The time has come for concerted action in this arena. I urge my colleagues to move this legislation forward promptly.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. GRAHAM of South Carolina, and Mrs. BOXER):

S. 2560. A bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise with my esteemed colleague and friend, Senator LEAHY, ranking Democrat Member of the Senate Judiciary Committee, to introduce the ''Inducing Infringement of Copyrights Act of 2004.'' This Act will confirm that creative artists can sue corporations that profit by encouraging children, teenagers and others to commit illegal or criminal acts of copyright infringement. Senator LEAHY and I are pleased that Majority Leader FRIST and Minority Leader DASCHLE and Senators GRAHAM and BOXER are co-sponsoring this important bipartisan legislation.

It is illegal and immoral to induce or encourage children to commit crimes. Artists realize that adults who corrupt or exploit the innocence of children are the worst type of villains. In ''Oliver Twist'', Fagin and Bill Sikes profited by inducing children to steal. In the film ''Chitty-Chitty Bang-Bang'', the leering ''Child-Catcher'' lured children into danger with false promises of ''free lollipops.'' Tragically, some corporations now seem to think that they can legally profit by inducing children to steal—that they can legally lure children and others with false promises of ''free music.''

Such beliefs seem common among distributors of so-called peer-to-peer filesharing (''P2P'') software. These programs are used mostly by children and college students—about half of their users are children. Users of these programs routinely violate criminal laws relating to copyright infringement and pornography distribution. Criminal law defines ''inducement'' as ''that which leads or tempts to the commission of crime.'' Some P2P software appears to be the definition of criminal inducement captured in computer code.

Distributors of some P2P software admit this. The distributors of EarthStation 5 state, ''While other peer 2 peer networks like Kazaa or Imesh continue to deny building their programs for illegal file sharing, at ES5 we not only admit why we built ES5, we actually promote P2P, endorse file sharing, and join our users in swapping files!''

Recently, in the Grokster case, a Federal court drew similar conclusions about the intent of other distributors of P2P software. It warned that some P2P distributors ''may have intentionally structured their businesses to avoid secondary liability for copyright infringement, while benefiting financially from the illicit draw of their wares.'' In other words, many P2P distributors may think that they can lawfully profit by inducing children to break the law and commit crimes.

They are dead wrong. America punishes as criminals those who induce others to commit any criminal act, including copyright infringement. The first sentence of our Criminal Code states:

> Whoever commits an offense against the United States or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal . . . .

Indeed, it is absurd to think that our law might be otherwise. No civilized country could let sophisticated adults profit by tempting its most vulnerable citizens—its children—to break the law.

I think we must understand how some corporations came to confuse child endangerment with a legal business model. Their confusion seems to arise from court cases misinterpreting a well-intended Supreme Court decision that tried to clarify two critical components of federal law: the law of secondary liability and the law of copyright.

The Supreme Court states that secondary liability is ''imposed in virtually all areas of the law.'' Secondary liability is universal because its logic is compelling. It does not absolve lawbreakers of guilt. But it recognizes that we are all human: We are all more likely to break the law if encouraged or ordered to do so. Secondary liability thus discourages lawlessness by punishing people who manipulate others into doing the ''dirty work'' of breaking the law. Secondary liability usually targets two types of persons: 1. those who induce others to break the law, and 2. those who control others who break the law.

Though secondary liability is nearly ubiquitous, it has almost always remained as a judge-made, common-law doctrine—and for a good reason. Secondary liability prevents the use of indirect means to achieve illegal ends. Consequently, the scope of secondary liability must be flexible—otherwise, it would just instruct wrong-doers on how to legally encourage or manipulate others into breaking the law. The common-law judicial process is ideally suited to evolve flexible secondary-liability rules from the results of many individual cases.

As a result, Congress rarely codifies secondary liability. It has codified secondary liability to narrow it, as in the Patent Act. Congress has codified secondary liability in the Criminal Code to ensure that the narrow construction given criminal statutes would not foreclose secondary liability. In the Digital Millennium Copyright Act, Congress codified a complex balance between opposed interests that expanded one type of secondary liability and narrowed another.

Congress has always assumed that infringers could readily induce consumers to accept infringing copies of works. It thus created ''a potent arsenal of remedies against an infringer . . . .'' But secondary liability often arises if a third party can be ordered or induced to make the infringing copies. Consequently, only after copying devices became available to people who might be induced to infringe did questions about secondary liability for infringement become pressing.

In 1984, these questions reached the Supreme Court in Sony Corp. v. Universal City Studios, Inc. Sony held that the makers of the Betamax VCR could not be held secondarily liable in a civil suit brought by copyright holders—even though some consumers would use VCRs to make infringing copies of copyrighted TV broadcasts.

Sony also created a broader limitation on secondary liability by importing a limitation that that Congress had codified only in the Patent Act; this was the substantial-noninfringing-use rule, also called the ''staple article of commerce'' doctrine. Sony intended this rule to strike, as between creators of works and copying equipment, the same ''balance'' that it had struck under the Patent Act between the

rights of patent holder and makers of staple products.

Under the Patent Act, the substantial-noninfringing-use rule bars secondary liability for selling a ''staple'' product that has a ''substantial noninfringing use''—even if that staple could also be used as a component in an infringing copy of a patented invention. This rule protects makers of staples without changing the nature of secondary liability. In particular, it does not immunize bad actors who intend to distribute ''patent-infringement kits.'' Even in the rare case of a novel invention that consists only of ''staple'' components, an ''infringement kit'' must bundle components and include assembly instructions. Neither the bundle nor the instructions will likely have a ''substantial noninfringing use.''

Sony intended this rule to strike the same admirable ''balance'' under the Copyright Act. Unfortunately, Sony also proposed that if this rule proved problematic, Congress should alter it on a technology-by-technology basis. This proposal was flawed: In 1976, Congress redrafted the Copyright Act to avoid the need to re-adjust copyrights on a technology-by-technology basis because legislation could no longer keep pace with technological change. Returning to this impractical technology-based approach would create an endless procession of ''tech-mandate'' laws that discriminate between technologies Congress deems ''good'' or ''bad.'' But technologies are rarely inherently either ''good'' or ''bad.'' Most can be used for either purpose; the effect depends on details of implementation impossible to capture—or predict—in prospective legislation.

Of course, the dysfunctional corrective mechanism that Sony proposed would have become problematic only if the Sony limitation was misunderstood or misapplied by lower courts. Unfortunately, that has now happened.

In cases like Napster and Grokster, lower courts misapplied the substantial-non-infringing-use limitation. These courts forgot about ''balance'' and held that this limitation radically alters secondary liability. In effect, these cases retained secondary liability's control prong but collapsed its inducement prong. The results of these cases prove this point: Napster imposed liability upon a distributor of copying devices who controlled infringing users; Grokster did not impose liability upon distributors who appeared to induce and profit from users' infringement.

A secondary-liability rule that punishes control and immunizes inducement is a public policy disaster. It seems to permit the distribution of ''piracy machines'' designed to make infringement easy, tempting, and automatic. Even Harvard's Berkman Center for Internet and society suggests that this is happening. The Center warns that ''it can be extremely difficult for a non-expert computer user to shut down'' the viral redistribution that can otherwise automatically make the user an international distributor of infringing works. The Center notes that the ''complexity of KaZaA's installation and disabling functions'' may leave many users unaware that they have become a contributor to global, for-profit copyright piracy. Unfortunately, ''piracy machines'' designed to mislead their users are just one of the perverse effects of a secondary liability rule that punishes control and immunizes inducement.

Perhaps the least perverse of these effects has been years of conflict between the content and technology industries. Content creators sought the tech-mandate ''corrections'' that Sony proposed. Technology industries opposed such laws because they too easily foreclose innocent or unforeseen applications. P2P software illustrates the problem: Today, most P2P software functions like Earthstation 5's ''piracy machine.'' Yet all agree that non-piracy-adapted implementations of P2P could have legitimate and beneficial uses.

A rule that punishes only control also produces absurd results. Secondary liability should focus on intent to use indirect means to achieve illegal ends. A rule that punishes only control degenerates into inane debate about which indirect means was used. Thus Napster and Grokster are regulated differently—though they function similarly from the perspective of the user, the distributor, or the copyright holder.

A rule that punishes only control also acts as a ''tech-mandate'' law: It mandates the use of technologies that avoid ''control''—regardless of whether they are suited for a particular task. Napster was punished for processing search requests efficiently on a centralized search index that it controlled. Grokster escaped by processing search requests less efficiently on a decentralized search index that it did not control. Rewarding inefficiency makes little sense.

A secondary-liability rule that punishes only control also punishes consumers: It encourages designers to avoid ''control'' by shifting risks onto consumers. For example, Napster incurred billion-dollar liability because it controlled computers housing a search index that located infringing files. Programs like Kazaa avoid Napster's ''control'' by moving their search indices onto computers owned by unsuspecting consumers. Consumers were never warned about the risks of housing these indices. As a result, many consumers, universities, and businesses now control computers that house ''mini-Napsters''—parts of a search index much like the one that destroyed Napster. These indices could still impose devastating liability upon anyone who ''controls'' a computer housing them. A secondary-liability rule that punishes only control thus rewards Kazaa for shifting huge risks onto unsuspecting consumers, universities and businesses.

And search indices are just one of the risks that designers of P2P software seem to impose upon their young users to avoid control. For example, the designers of most filesharing software choose to lack the ability to remove or block access to files known to contain viruses, child pornography or pornography mislabeled to be appealing to children. This ability could create ''control'' and trigger liability. Aiding distributors of viruses and pornography may be just an unfortunate side effect of avoiding control while inducing infringement.

A secondary-liability rule that immunizes inducement also encourages attempts to conceal risks from consumers: It is easier to induce people to take risks if they are unsure whether they are incurring a risk or its severity. The interfaces of most P2P software provide no warnings about the severe consequences of succumbing to the constant temptation of infringement.

Another risk to users of P2P software arises when pornography combines with the ''viral redistribution'' that thwarts removal of infringing copies of works. Most filesharing networks are awash in pornography, much of it mislabeled, obscene, illegal child pornography, or harmful to minors. Anyone risks criminal prosecution if they distribute pornography accessible to minors over these child-dominated networks. As a result, one P2P distributor who does distribute ''adult'' content demands that it be protected by access controls. But every adult who uses this distributor's software as intended to download one of millions of unprotected pornographic files automatically makes that pornography available for re-distribution to millions of children. This distributor has sat silently—knowing that its software exposes millions of its users to risks of criminal prosecution that the distributor cannot be paid to endure.

Perhaps the worst effect of punishing control and rewarding inducement is that it achieves precisely what Sony sought to avoid: It leaves copyright holders with an enforcement remedy that is ''merely symbolic'': It seems real, but it is illusory.

In theory, a rule that immunizes inducement still permits enforcement against those induced to infringe. At first, this remedy seems viable because copyrights have traditionally been enforced in lawsuits against direct infringers who actually make infringing copies of works.

But a fallacy lurks here: The ''direct infringers'' at issue are not the traditional targets for copyright enforcement. In fact, they are children and consumers: They are the hundreds of millions of Americans—toddlers to seniors—who use and enjoy the creative works that copyrights have helped create.

There is no precedent for shifting copyright enforcement toward the end-

users of works. For nearly 200 years, copyright law has been nearly invisible to the millions who used and enjoyed creative works. Copyright law was invisible to consumers because the law gave creators and distributors mutual incentives to negotiate the agreements that ensured that works reached consumers in forms that were safe to use in foreseeable ways. Now, those incentives are collapsing. As a result, artists must now waive their rights or sue consumers—their fans.

Worse yet, artists must sue their fans for the sin of misusing devices designed to be easy and tempting to misuse. That is unfair: When inducement is the disease, infringement can be seen as just a symptom. Yet artists must ignore inducers who profit by chanting, ''Hey, kids, infringement is cool, and we will help you get away with it.'' Instead, artists can only sue kids who succumb to this temptation. They must leave Fagin to his work—and sue Oliver Twist.

This sue-Oliver ''remedy'' is a debacle. For example, immunizing inducement ensures that artists will have to sue their fans: Inducers will have both the incentive and the means to thwart less extreme measures, like educational campaigns. For example, RIAA tried to avoid lawsuits against filesharers by sending educational instant messages to infringers. Kazaa, for ''privacy'' reasons, disabled instant messaging by default in the next version of its software. Lawsuits then followed.

And imagine the poor parent who tries to tell a teenager that free downloading of copyrighted music is illegal. The teenager, confused because ''everyone is doing it,'' consults a leading technology-news site promising a ''trusted source of information for millions of technology consumers.'' There, the teenager finds a P2P distributor promoting ''Morpheus 4.0, the only American filesharing software ruled legal by a U.S. federal court.'' This statement is false: Grokster did not rule Morpheus ''legal''; in fact, the case only confirmed that downloading copyrighted works is illegal. Below this misinformation, the teenager will find an independent editorial review rating Morpheus 4.0 as a ''Recommended'' download and ''an excellent choice'' for those seeking ''the latest and greatest.'' Who will the teenager believe?

Worse yet, if artists must sue only the induced, they just feed the contempt for copyrights that inducers breed. Inducers know that people induced to break a law become that law's enemies: Once you break a law, you must either admit wrongdoing or rationalize your conduct. Rationalization is often so easy. You can blame the law: Copyright is a stupid law needlessly enshrined in the Constitution by naives like James Madison. You can blame the victim: Some rock stars still make money; I do not like the ''business model'' of the record labels. You can blame the randomness of enforcement: Everyone else was doing it, so why not me? Anyone who has talked to young people about filesharing has heard such rationalizations time and again.

And forcing artists to ignore inducers and sue the induced locks artists into a war of attrition that they are unlikely to win. If you imagine inducement as a bush, this ''remedy'' forces artists to spend their money to sever each leaf—while the inducer makes money by watering the root. Artists may not be able to sustain this unending battle.

This may let inducers attempt an extortionate form of ''outsourcing.'' Inducers can increase or decrease their devices propensity to encourage piracy. Inducers can thus tell American artists that if the artists pay the inducers to become licensed distributors of their works, perhaps fewer bad things will happen. Implicitly, if artists do not pay, perhaps more bad things will happen. Were artists to succumb to such tactics, jobs and revenues created by the demand for American creative works would go overseas to some unsavory locales.

Worst of all, inducers will inevitably target children. Children would be easily induced to violate complex laws like the Copyright Act. Any child is a terrible enforcement target. And because most adults never induce children to break laws, children induced to infringe copyrights would not even be ''bad kids.'' Indeed, they would probably be smart, mostly law-abiding young people with bright futures. Innocent, mostly law-abiding children make the worst enforcement targets—and thus the best ''human shields'' to protect an inducer's business model.

This threat to children is real. Today, artists are suing high-volume filesharers who cannot be identified until late in the process. One filesharer sued for violating federal law over 800 times turned out to be a 12-year-old female honor student. This otherwise law-abiding young girl and her family then faced ruin by the girl's favorite artists. The public knew that something was wrong, and it was outraged. So the people who gave that girl an easily misused toy—and profited from her misuse of it—exploited public outrage with crocodile tears about the tactics of ''Big Music.'' And then, I imagine, they laughed all the way to the bank.

The Supreme Court could not have intended to force artists to sue children in order to reduce the profits that adults can derive by encouraging children to break the law. No one would intend that. Yet it seems to be happening.

These are the inevitable results of a secondary-liability rule that immunizes inducement. This ''rule'' has created the largest global piracy rings in history. These rings now create billions of infringing copies of works, and reap millions in profits for leaders who insulate themselves from direct involvement in crime by inducing children and students to ''do the dirty work'' of committing illegal or criminal acts. These rings then thwart deterrence and condemn attempts to enforce the law. These rings may now use profits derived from rampant criminality to extort their way into the legal Internet distribution market—a market critical to the future of our artists and children.

This must stop—and stop now. Artists have tried: They targeted for-profit inducers. But artists were thwarted by a court ruling that held, in effect, that although artists can sue exploited children and families into bankruptcy, courts need ''additional legislative guidance'' to decide whether artists can, instead, sue the corporations that profit by inducing children to break the law. I find this assertion wholly inconsistent with the intent of both Congress and the Supreme Court. But until this fundamentally flawed ruling is overruled by legislation or higher courts, artists cannot hold inducers liable for their actions.

Fortunately, Congress has charged the Department of Justice to enforce the Criminal Code. In the Criminal Code, Congress made it a Federal crime to willfully infringe copyrights or to distribute obscene pornography or child pornography. Congress also made it a crime to induce anyone—child or adult—to commit any Federal crime.

Indeed, Congress codified many forms of criminal secondary liability in the Criminal Code. I have already quoted its first sentence. Here is its second: ''Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.'' One court has said that this ensures that ''[a] crime may be performed through an innocent dupe, with the essential element of criminal intent residing in another person.'' Not coincidentally, some Federal prosecutors worry that P2P software makes infringement so tempting, easy and automatic that many of its users will lack criminal intent. Perhaps—but their relative innocence will not protect their inducers.

The Criminal Code also codifies other forms of secondary liability, like this one:

> If two or more persons conspire to injure, oppress, threaten any person in any State . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or the laws of the United States, . . . [t]hey shall be fined under this title or imprisoned not more than ten years, or both. . . .

These examples of laws imposing secondary criminal liability have something in common: Congress codified no exceptions for ''substantial non-criminal uses.'' The message is clear: Those who induce others to commit crimes cannot avoid prison by showing that some of them resisted. I will work with my colleagues in Congress to ensure that the Department of Justice enforces the Federal laws that prevent

anyone from inducing violations of any Federal law by our citizens, our students, or our children.

Congress, too, must do its part by enacting the Inducing Infringement of Copyrights Act, S. 2560. This bill will protect American artists, children and taxpayers by restoring the privately funded civil remedy crippled by the Grokster ruling. Congress must act: A Federal court has held that artists can only enforce their rights by suing exploited children and students pending ''additional legislative guidance'' about whether artists can, instead, sue the corporations that profit by inducing children to break laws and commit crimes. Silence could be misinterpreted as support for those who profit by corrupting and endangering others. This bill will restore the tried, privately funded civil enforcement actions long used to enforce copyrights.

This bill will also preserve the Sony ruling without reversing, abrogating or limiting it. The Inducement Act will simply import and adapt the Patent Act's concept of ''active inducement'' in order to cover cases of intentional inducement that were explicitly not at issue in Sony. The Inducement Act also preserves the Section 512 safe harbors for Internet service providers.

The bill also contains a savings clause to ensure that it provides the ''guidance'' courts have requested—not an iron-clad rule of decision for all possible future cases. This flexibility is critical because just as infringement cases are fact specific, so should inducement cases center on the facts of a given case, with courts endowed with the flexibility to impose just results. This bill does not purport to resolve or affect existing disagreements about when copies made and used within an individual's home environment are permissible and when they are infringing.

Rather, this bill is about the intentional inducement of global distribution of billions of infringing copies of works at the prodding and instigation of sophisticated corporations that appear to want to profit from piracy, know better than to break the law themselves, and try to shield themselves from secondary liability by inducing others to infringe and then disclaiming control over those individuals.

I also want to thank everyone who has worked with us to craft a bill that addresses this serious threat to children and copyrights without unduly burdening companies that engage in lawful commerce in the wide range of devices and programs that can copy digital files. As Sony illustrates, clear knowledge that a copying device can be used to infringe does not provide evidence of intent to induce infringement. It was critical to find a way to narrowly identify the rare bad actors without implicating the vast majority of companies that serve both consumers and copyright-holders by providing digital copying devices—even though these devices, like all devices, can be misused for unlawful purposes. In particular, I would like to thank the Business Software Alliance for its invaluable assistance in crafting a bill that protects existing legitimate technologies and future innovation in all technologies—including peer-to-peer networking.

Senator LEAHY and I look forward to working with all affected parties to enact this bill and restore the balance and private enforcement that Sony envisioned. But until Congress can enact the Inducing Infringement of Copyrights Act, the duty and authority to stop inducement that targets children and students resides in the Department of Justice that Congress has charged to protect artists, commerce, citizens and children. The Department must act now to clarify some simple facts: America has never legalized the ''business model'' of Fagin and Bill Sykes. Modern ChildCatchers cannot lawfully profit by luring children into crime with false promises of ''free music.''

Mr. President, I urge all of my colleagues to support S. 2560, the Inducing Infringement of Copyrights Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2560

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 ''Inducing Infringement of Copyrights Act of 2004''.

SEC. 2. INTENTIONAL INDUCEMENT OF COPYRIGHT INFRINGEMENT.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

''(g)(1) In this subsection, the term 'intentionally induces' means intentionally aids, abets, induces, or procures, and intent may be shown by acts from which a reasonable person would find intent to induce infringement based upon all relevant information about such acts then reasonably available to the actor, including whether the activity relies on infringement for its commercial viability.

''(2) Whoever intentionally induces any violation identified in subsection (a) shall be liable as an infringer.

''(3) Nothing in this subsection shall enlarge or diminish the doctrines of vicarious and contributory liability for copyright infringement or require any court to unjustly withhold or impose any secondary liability for copyright infringement.''.

Mr. LEAHY. Mr. President, nobody can deny that the digital age has brought many benefits and many challenges to all of us.

In my home state of Vermont, the Internet has revolutionized how we work and how we learn: Distance learning brings the best teaching tools right into rural communities, and new business models let Vermont businesses reach new and far-flung customers. As suppliers who use the Internet, we enjoy access to a range of goods and services unimagined when I was growing up, and the vast panoply of information and entertainment offerings on the World Wide Web are at the fingertips of many Vermonters. Of course, we must work to ensure that everyone can reap the benefits of the digital age, and I am striving both here in Washington and in my state to do what is necessary to bring affordable and reliable Internet access to every household.

I am confident that, with continued focus and perseverance, the day of universal access is coming and we will all take part in the many advantages of the digital age. But there are other problems that require immediate attention, because they threaten the development of the web. We will never be able to make the Internet an entirely trouble-free zone, but we will also never be justified in failing to make efforts to defend and improve it.

One important effort to improve it is the bill that I am proud to introduce today—along with Senators HATCH, DASCHLE, FRIST, BOXER, and GRAHAM of South Carolina—the ''Inducing Infringement of Copyright Act of 2004.''

The ''Inducing Infringement of Copyright Act of 2004'' is a straightforward bill. Our legislation treats those who induce others to violate copyrights as infringers themselves. This is not a novel concept; it is the codification of a long-standing principle of intellectual property law: that infringement liability reaches not only direct infringers but also those who intentionally induce illegal infringement. And while the legal principle is an old one, the problems of inducement for copyright are a relatively new byproducts of the digital age—an age in which it is easy, and often profitable, to induce others to violate copyrights through illegal downloading from the Internet.

The principle at the heart of this bill—secondary copyright liability—has long been in the common law. In fact, such secondary liability is provided for by statute in the patent law. The patent code provides liability for inducing infringement and for the sale of material components of patented machines, when the components are not a staple article of commerce suitable for substantial non-infringing use. This is because it has long been relatively simple and economically worthwhile to induce patent infringement. By contrast, until recently the ability to illegally download music, books, software, and films has not existed. Recent developments, however, now make it necessary for Congress to clarify that this principle also applies to copyrights.

What the inducement bill does not do is just as important as what it does: It does not target technology. Useful legislation on this topic must address the copyright issue and not demonize certain software. As a practical matter, if a law is targeted at certain software, the designers will simply design around the law and render it useless. And as a matter of effectiveness, if the law addresses only well-understood present threats, it will necessarily be too narrow to encompass future technologies that may pose the same threat to copyrights. A law that deals simply with

the copyrights—and their violation—is far less likely to be circumvented or out-dated before it can do any good. It will be both broad enough and sufficiently flexible to accommodate situations we cannot foresee.

This legislation is also carefully crafted to preserve the doctrine of ''fair use.'' Indeed by targeting the illegal conduct of those who have hijacked promising technologies, we can hope that consumers in the future have more outlets to purchase creative works in a convenient, portable digital format. Similarly, the bill will continue to promote the development of new technologies as it will not impose liability on the manufacturers of copying technology merely because the possibility exists for abuse. Finally, the bill will not affect Internet service providers who comply with the safe harbor provisions of the Digital Millennium Copyright Act.

Copyright law protecting intellectual property is one of the taproots of our economy and of our creativity as a nation. For copyright law to work as the Founders intended, it needs effective enforcement. That means adapting enforcement tools to meet new challenges, in the digital age or in any age. And that is the straightforward purpose of this bill.

I would like to take a moment also to emphasize another important, if obvious, point about this bill that some detractors have ignored. The law only penalizes those who intentionally induce others to infringe copyrights. Thus, the makers of electronic equipment, the software vendors who sell email and other programs, the Internet service providers who facilitate access to the Web—all of these entities have nothing to fear from this bill. So long as they do not conduct their businesses with the intention of inducing others to break the law—and I certainly have not heard from anyone who makes that claim—they should rest easy. The only actors who have anything to fear are those that are already breaking the law; this bill simply clarifies and codifies that long-standing doctrine of secondary liability.

The ''Inducing Infringement of Copyright Act of 2004'' is a simple fix to a growing problem. The bill protects the rights inherent in creative works, while helping to ensure that those same works can be easily distributed in digital format.

Mr. FRIST. Mr. President, I rise in support of the Inducing Infringement of Copyrights Act of 2004 introduced today by Senators HATCH and LEAHY. I am proud to be an original cosponsor. The Inducement Act addresses the growing problem of online piracy—the illegal downloading of copyrighted music. Piracy is devastating the music community and threatening other forms of copyrighted work. This commonsense, bipartisan legislation takes important steps in protecting our Nation's intellectual property.

When I return home to Nashville and drive down Music Row, my heart sinks as I see the ''For Sale'' and ''For Rent'' signs everywhere. The once vibrant music community is being decimated by online piracy. No one is spared. It is hitting artists, writers, record companies, performing rights organizations, and publishers.

Every month 2.6 billion music files are illegally downloaded using peer-to-peer networks, and it is not unusual for albums to show up on the Internet before they make it to the record store. The effect of this theft of intellectual property is disastrous to the creative industry. In the end, rampant piracy dries up income and drives away professional musicians. We get fewer artists and less music.

Online piracy affects more than just the music industry. It affects a broad swath of the creative field, including the movie and software industries. Music, movies, books, and software contribute well over half a trillion dollars to the U.S. economy each year and support 4.7 million workers. When our copyright laws are blatantly ignored or threatened, an enormous sector of our economy and creative culture is threatened.

The intent of the anti-piracy bill being introduced today is simple. It holds liable those who intentionally induce others to commit illegal acts of copyright infringement. In other words, it targets the bad actors who are encouraging others to steal. In addition, the general cause of action in this bill is not new or revolutionary. It is based on the theory of secondary liability that is found squarely in our Nation's laws.

This bill should not and does not threaten in any manner the further advancement of technology. It is not a technology mandate. Only individuals or organizations which profit from intentionally encouraging others to violate our copyright laws should fear this legislation. It has been carefully crafted and will be thoroughly reviewed to ensure that its language accurately reflects its sound intent.

The future of the music community is with advancing technology, and I encourage those in the music field to continue to offer innovative choices to consumers. It is important to recognize, however, that no one in the music industry or any other intellectual property field can survive when his or her work is being stolen. Those who are intentionally and actively encouraging this theft should be held accountable.

I would like to thank Senator HATCH for his hard work on this bill and his dedication to this issue. I would also like to thank Senator LEAHY for his work. This is truly a bipartisan issue, and I look forward to working with Members on both sides of the aisle to ensure that our intellectual property laws are respected and enforced.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 387—COMMEMORATING THE 40TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. HAGEL, Mr. DURBIN, Mrs. BOXER, Mr. MCCAIN, Mrs. MURRAY, Mr. LUGAR, Mr. WARNER, Mr. CHAFEE, Ms. SNOWE, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 387

Whereas September 3, 2004, will mark the 40th Anniversary of the enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States an enduring resource of natural heritage as part of the National Wilderness Preservation System;

Whereas great American writers such as Ralph Waldo Emerson, Henry David Thoreau, George Perkins Marsh, and John Muir joined poets like William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Albert Bierstadt, and Thomas Moran to define the United States' distinct cultural value of wild nature and unique concept of wilderness;

Whereas national leaders such as President Theodore Roosevelt reveled in outdoor pursuits and sought diligently to preserve those opportunities for molding individual character, shaping a nation's destiny, striving for balance, and ensuring the wisest use of natural resources, to provide the greatest good for the greatest many;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus and Adolph Murie, and conservationist David Brower believed that the people of the United States could have the boldness to project into the eternity of the future some of the wilderness that has come from the eternity of the past;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the legislation with strong bipartisan support in both bodies of Congress;

Whereas with the help of their colleagues, including cosponsors Gaylord Nelson, William Proxmire, and Henry ''Scoop'' M. Jackson, and other conservation allies, including Secretary of Interior Stewart L. Udall and Representative Morris K. Udall, Senator Humphrey and Representative Saylor toiled 8 years to secure nearly unanimous passage of the legislation, 78 to 8 in the Senate, and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2004: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who came into office in 1961 with enactment of wilderness legislation part of his administration's agenda, was assassinated before he could sign a bill into law;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser, sadly, also passed away before seeing the fruits of their labors ratified by Congress and sent to the President;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage as

President Kennedy and the conservation community had so ardently envisioned and eloquently articulated;

Whereas now, as a consequence of wide popular support, the people of the United States have a system of places wild and free for the permanent good of the whole people of this great Nation;

Whereas over the past 40 years the system for protecting an enduring resource of wilderness has been built upon by subsequent Presidents, successive leaders of Congress, and experts in the land managing agencies within the Departments of the Interior and Agriculture;

Whereas today that system is 10 times larger than when first established;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a resource of value and to protect that wilderness for future generations to use and enjoy as previous and current generations have had the opportunity to do;

Whereas since 1964, when the first 9,000,000 acres of wilderness were included by Congress, more than 110 additional laws have been passed to build the National Wilderness Preservation System to its current size of 106,000,000 acres;

Whereas wild places protected in perpetuity can currently be found and enjoyed in 44 of the Nation's 50 States;

Whereas this wealth of the heritage of the United States can be seen today from Alaska to Florida in over 650 units, from Fire Island in New York's Long Island South Shore and Ohio's West Sister Island in Lake Erie, to far larger Mojave in eastern California and Idaho's River of No Return;

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System ''serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital element of our natural heritage'' and that, ''wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered''; and

Whereas President Gerald R. Ford has joined with President Jimmy Carter and more than 100 other prominent United States citizens as honored members of Americans for Wilderness, a committee formed to celebrate this national achievement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 40th Anniversary of the Wilderness Act (16 U.S.C. 1131 et seq.);

(2) recognizes and applauds the extraordinary work of the individuals and organizations involved in building the National Wilderness Preservation System; and

(3) is grateful for the tremendous asset the United States has been able to pass along as a gift to future people of the United States.

Mr. FEINGOLD. Mr. President, as founder of the Senate Wilderness Caucus, I am submitting a Senate resolution today to commemorate the 40th anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964, by President Lyndon B. Johnson. I thank the following colleagues for their support as cosponsors: Senator SUNUNU, Senator HAGEL, Senator DURBIN, Senator BOXER, Senator MCCAIN, Senator MURRAY, Senator LUGAR, Senator WARNER, Senator CHAFEE, Senator SNOWE, and Senator COLLINS.

The Wilderness Act became law seven years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill, sponsored by Senator CLINTON ANDERSON of New Mexico, passed the Senate by a vote of 73–12 on April 9, 1963, and passed the House of Representatives by a vote of 373–1 on July 30, 1964. The Wilderness Act of 1964 established a National Wilderness Preservation System ''to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.'' The law gives Congress the authority to designate wilderness areas, and directs the Federal land management agencies to review the lands under their responsibility for their wilderness potential.

Under the Wilderness Act, wilderness is defined as ''an area of undeveloped Federal land retaining its primeval character and influence which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.'' The creation of a national wilderness system marked an innovation in the American conservation movement—wilderness would be a place where our ''management strategy'' would be to leave lands essentially undeveloped.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, after passage of 102 pieces of legislation, the wilderness system is comprised of over 104 million acres in 625 wilderness areas, across 44 States, and administered by four federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of the Wilderness Act was a remarkable accomplishment that required steady, bipartisan commitment, institutional support, and strong leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role.

As a Senator from Wisconsin, I feel a special bond with this issue. The concept of wilderness is inextricably linked with Wisconsin. Wisconsin has produced great wilderness thinkers and leaders in the wilderness movement such as Senator Gaylord Nelson and the writer and conservationist Aldo Leopold, whose A Sand County Almanac helped to galvanize the environmental movement. Also notable is Sierra Club founder John Muir, whose birthday is the day before Earth Day. Wisconsin also produced Sigurd Olson, one of the founders of the Wilderness Society.

I am privileged to hold the Senate seat held by Gaylord Nelson, a man for whom I have the greatest admiration and respect. Though he is a well-known and widely respected former Senator and former two-term Governor of Wisconsin, and the founder of Earth Day, some may not be aware that he is currently devoting his time to the protection of wilderness by serving as a counselor to the Wilderness Society—an activity which is quite appropriate for someone who was also a co-sponsor, along with former Senator Proxmire, of the bill that became the Wilderness Act.

The testimony at congressional hearings and the discussion of the bill in the press of the day reveals Wisconsin's crucial role in the long and continuing American debate about our wild places, and in the development of the Wilderness Act. The names and ideas of John Muir, Sigurd Olson, and, especially, Aldo Leopold, appear time and time again in the legislative history.

Senator CLINTON ANDERSON of New Mexico, chairman of what was then called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost forty years before with Leopold, who was then in the Southwest with the Forest Service. It was Leopold who, while with the Forest Service, advocated the creation of a primitive area in the Gila National Forest in New Mexico in 1923. The Gila Primitive Area formally became part of the wilderness system when the Wilderness Act became law.

In a statement in favor of the Wilderness Act in the New York Times, then-Secretary of the Interior Stewart Udall discussed ecology and what he called ''a land ethic'' and referred to Leopold as the instigator of the modern wilderness movement. At a Senate hearing in 1961, David Brower of the Sierra Club went so far as to claim that ''no man who reads Leopold with an open mind will ever again, with a clear conscience, be able to step up and testify against the wilderness bill.'' For others, the ideas of Olson and Muir—particularly the idea that preserving wilderness is a way for us to better understand our country's history and the frontier experience—provided a justification for the wilderness system.

In closing, I would like to remind colleagues of the words of Aldo Leopold in his 1949 book, A Sand County Almanac. He said, ''The outstanding scientific discovery of the twentieth century is not the television, or radio, but rather the complexity of the land organism. Only those who know the most about it can appreciate how little is known about it.'' We still have much to learn, but this anniversary of the Wilderness Act reminds us how far we have come and how the commitment to public lands that the Senate and the Congress demonstrated forty years ago continues to benefit all Americans.

Mr. WARNER. Mr. President, I am pleased to join my colleagues in cosponsoring this resolution to honor and celebrate the 40th Anniversary of the Wilderness Act, and the contributions of those who have created a glorious wilderness system throughout the United States for all Americans to enjoy.

This anniversary provides a time for personal reflection on what wild places mean to us as individuals and society as a whole. As I consider the fact that this July 4 our country will celebrate her 228th year of independence, I marvel at the great changes she has seen. America has seen wars, the Industrial Revolution, the Great Depression, the Technology Age, times of prosperity and times of challenge. With all of these changes, much of America's landscape has been transformed.

I also think back to America as I knew her as a child and how she has rapidly grown and changed during my 77 years. I feel indebted to those whose foresight resulted in the Wilderness Act legislation, and whose tireless efforts saw this act signed into law. In addition, I recognize all those who have championed the expansion of the wilderness system which now encompasses 106,000,000 acres nationwide.

During my 26 years in the U.S. Senate, I have worked to pass three Virginia wilderness bills through Congress. In fact, I recently introduced the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004 which, if passed, would create an additional 29,000 acres of wilderness in southwest Virginia. With 177,214 acres of wilderness, Virginia's wild and beautiful landscapes will remain untouched by civilization. Visitors from across America can experience Virginia's wilderness and enjoy great beauty, solitude, primitive recreation, and nature in its true form.

I feel very strongly that the Wilderness Act is a vehicle whereby we can pay tribute to our great country by preserving some of her heritage and history. Though development, growth and change continue, we will have pockets of undisturbed lands for solitude, reflection, and recreation. In these areas we can keep America's natural diversity, wildlife habitats, and vegetation intact. Through the efforts, passion, and vision of many, we will leave a natural legacy of wildlands to future generations of America.

SENATE RESOLUTION 388—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renown for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3466. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3467. Mr. ENSIGN proposed an amendment to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra.

SA 3468. Mr. DASCHLE (for himself, Mr. DORGAN, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. DAYTON) proposed an amendment to amendment SA 3409 proposed by Mr. DASCHLE to the bill S. 2400, supra.

SA 3469. Mr. REID proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, supra.

SA 3470. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3471. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3472. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3473. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the joint resolution S.J. Res. 33, expressing support for freedom in Hong Kong.

TEXT OF AMENDMENTS

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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:

Strike page 1 line 2 through page 3 line 3 and insert the following:

SEC.____. BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Broadcast Decency Enforcement Act of 2004''.

(b) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is—

''(i)(I) a broadcast station licensee or permittee; or

''(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

''(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.''; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(c) EFFECTIVE DATE.—This section shall take effect 2 days after the date of enactment of this section.

SA 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to

amendment SA 3235 proposed by Mr. BROWNBACK 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 the amendment, strike all beginning on page 1, line 2, through page 3, line three, and insert the following:

SEC. .BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Broadcast Decency Enforcement Act of 2004''.

(b) PURPOSE.—The purpose of this section is to increase the FCC's authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming.

(c) FINDINGS.—The Congress makes the following findings:

(1) Since 1996 there has been significant consolidation in the media industry, including:

(A) RADIO.—Clear Channel Communications went from owning 43 radio stations prior to 1996 to over 1200 as of January 2003; Cumulus Broadcasting, Inc. was established in 1997 and owned 266 stations as of December 2003, making it the second-largest radio ownership company in the country; and Infinity Broadcasting Corporation went from owning 43 radio stations prior to 1996 to over 185 stations as of June 2004;

(B) TELEVISION.—Viacom/CBS's national ownership of television stations increased from 31.53% of U.S. television households prior to 1996 to 38.9% in 2004; GE/NBC's national ownership of television stations increased from 24.65% prior to 1996 to 33.56% in 2004; NewsCorp/FOX's national ownership of television stations increased from 22.05% prior to 1996 to 37.7% in 2004;

(C) MEDIA MERGERS.—In 2000, Viacom merged with CBS and UPN; in 2002, GE/NBC merged with Telemundo Communications, Inc. and in 2004 with Vivendi Universal Entertainment; in 2003 News Corp./Fox acquired a controlling interest in DirecTV; in 2000, Time Warner, Inc. merged with America Online.

(2) Over the same period that there has been significant consolidation in the media industry the number of indecency complaints also has increased dramatically. The largest owners of television and radio broadcast holdings have received the greatest number of indecency complaints and the largest fines, including:

(A) Over 80% of the fines proposed by the Federal Communications Commission for indecent broadcasts were against stations owned by two of the top three radio companies. The top radio company alone accounts for over two-thirds of the fines proposed by the FCC;

(B) Two of the largest fines proposed by the FCC were against two of the top three radio companies;

(C) In 2004, the FCC received over 500,000 indecency complaints in response to the Superbowl Halftime show aired on CBS and produced by MTV, both of which are owned by Viacom. This is the largest number of complaints ever received by the FCC for a single broadcast;

(D) The number of indecency complaints increased from 111 in 2000 to 240,350 in 2003;

(3) Media conglomerates do not consider or reflect local community standards.

(A) The FCC has no record of a television station owned by one of the big four networks (Viacom/CBS, Disney/ABC, News Corp./Fox or GE/NBC) pre-empting national programming for failing to meet community standards;

(B) FCC records show that non-network owned stations have often rejected national network programming found to be indecent and offensive to local community standards;

(C) A letter from an owned and operated station manager to a viewer stated that programming decisions are made by network headquarters and not the local owned and operated television station management;

(D) The Parents Television Council has found that the ''losers'' of network ownership ''are the local communities whose standards of decency are being ignored;''

(4) The Senate Commerce Committee has found that the current fines do not deter indecent broadcast because they are merely the cost of doing business for large media companies. Therefore, in order to prevent the continued rise of indecency violations, the FCC's authority for indecency fines should be increased and further media consolidation should be prevented.

(d) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is—

''(i)(I) a broadcast station licensee or permittee; or

''(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

''(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.''; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(e) NEW BROADCAST MEDIA OWNERSHIP RULES SUSPENDED. (1) SUSPENSION.—Subject to the provisions of paragrapls (d)(2), the broadcast media ownrship rules adopted by the Federal Communications Commission on June 2, 2003, pursuant to its proceeding on broadcast media ownership rules, Report and Order FCC03–127, published at 68 FR 46286, August 5, 2003, shall be invalid and without legal effect.

(2) CLARIFICATION.—The provisions of paragraph (1) shall not supersede the amendments made by section 629 of the Miscellaneous Appropriations and Offsets Act, 2004 (Public Law 108–199).

SA. 3466. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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:

SEC. 201. SHORT TITLE.

This title may be cited as the ''Children's Protection from Violent Programming Act''.

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent, video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rule making, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 203. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) ACTION.—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section 2 that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that. section or in those regulations.

SEC. 204. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

''(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

''(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that, proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

''(1) may exempt from the prohibition under subsection (a) programming (including news progams and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

''(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

''(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

''(c) ENFORCEMENT.—

''(1) FORFEITURE PENALTY.—The forfeiture penalties established by section 503(b) for violations of section 1464 of title 18, United States Code, shall apply to a violation of this section, or any regulation promulgated under it in the same manner as if a violation of this section, or such a regulation, were a violation of law subject to a forfeiture penalty under that section.

''(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

''(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

''(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

''(3) VIOLENT VIDEO PROGRAMMING.—The term 'violent video programming' as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992.''.

SEC 205. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 206. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 204 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

SA. 3467. Mr. ENSIGN proposed an amendment to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 9, strike lines 12 through 22, and insert the following:

(8)(A) The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(B) Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(C) In this paragraph, the term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

SA. 3468. Mr. DASCHLE (for himself, Mr. DORGAN, Mrs. MURRAY, Mr. NELSON of Florida, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. ROCKFELLER, Mrs. BOXER, and Mr. DAYTON) proposed an amendment to amendment SA 3409 proposed by Mr. DASCHLE 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 the amendment strike all after Sec. in line 2 and insert the following:

FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) FUNDING TO ADDRESS CHANGES IN POPULATIONS AND INFLATION.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 320. Funding for veterans health care to address changes in population and inflation

''(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2004 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal

year 2004. The success of that arrangement, as well as of the funding formula, are to be reviewed after two years.

''(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

''(c)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (d), minus

''(B) the amount appropriated for those purposes for fiscal year 2004.

''(2) The amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2004:

''(A) The sum of—

''(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

''(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

''(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

''(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (d), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

''(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (b) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.

''(e) Nothing in this section shall be construed to prevent or limit the authority of Congress to reauthorize provisions relating to veterans health care.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Funding for veterans health care to address changes in population and inflation.''.

(b) COMPTROLLER GENERAL REPORT.—(1) Not later than January 31, 2007, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 320 of title 38, United States Code (as added by subsection (a)), has achieved the purpose set forth in subsection (a) of such section 320 during fiscal years 2005 and 2006.

(2) The report under paragraph (1) shall set forth the following:

(A) The amount appropriated for fiscal year 2004 for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) of section 320 of title 38, United States Code.

(B) The amount appropriated by annual appropriations Acts for each of fiscal years 2005 and 2006 for such programs, functions, and activities.

(C) The amount provided by section 320 of title 38, United States Code, for each of fiscal years 2005 and 2006 for such programs, functions, and activities.

(D) An assessment whether the amount described in subparagraph (C) for each of fiscal years 2005 and 2006 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(E) An assessment whether the amount provided by section 320 of title 38, United States Code, in each of fiscal years 2005 and 2006, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(F) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 320 of title 38, United States Code, or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

(c) CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) JOINT RESOLUTION.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution which is introduced (in the House of Representatives by the Speaker of the House of Representatives (or the Speaker's designee) or the Minority Leader (or the Minority Leader's designee) and in the Senate by the Majority Leader (or the Majority Leader's designee) or the Minority Leader (or the Minority Leader's designee)) within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under subsection (b), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws under the jurisdiction of the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under subsection (b)(2)(F); and

(C) the title of which is as follows: ''Joint resolution to ensure adequate funding of health care for veterans.''.

(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under subsection (b), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 3469. Mr. REID proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY 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 appropriate place, insert the following:

SEC. ___. REQUEST FOR DOCUMENTS AND RECORDS.

The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

SA 3470. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

SA 3471. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 30, between lines 14 and 15, insert the following:

SEC. 216. SPIRAL DEVELOPMENT OF JOINT THREAT WARNING SYSTEM MARITIME VARIANTS.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 201(4) is hereby increased by $2,000,000, with the amount of the increase to be available in the program element PE 1160405BB for joint threat warning system maritime variants.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SA 3472. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following information:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq, and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including efforts, as determined by the United States combatant commander, in consultation with coalition forces, to evaluate the—

(A) the current military forces of the NATO and non-NATO member countries deployed to Iraq;

(B) the current police forces of NATO and non-NATO member countries deployed to Iraq; and

(C) the current financial resources of NATO and non-NATO member countries provided for the stabilization and reconstruction of Iraq.

(3) As a result of the efforts described in paragraph (2)—

(A) a list of the NATO and non-NATO member countries that have deployed and will have agreed to deploy military and police forces; and

(B) with respect to each such country, the schedule and level of such deployments.

(4) A description of the efforts of the United States and coalition forces to develop the domestic security forces of Iraq for the internal security and external defense of Iraq, including a description of United States plans to recruit, train, equip, and deploy domestic security forces of Iraq.

(5) As a result of the efforts described in paragraph (4)—

(A) the number of members of the security forces of Iraq that have been recruited;

(B) the number of members of the security forces of Iraq that have been trained; and

(C) the number of members of the security forces of Iraq that have been deployed.

(6) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(7) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(8) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

SA 3473. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the joint resolution S.J. Res. 33, expressing support for freedom in Hong Kong; as follows:

On page 5, line 6, strike ''all''.

On page 5, line 8, strike ''a fully'' and insert ''universal suffrage and a''.

On page 5, beginning on line 11, strike all through line 23, and insert the following:

(B) declare that the lack of movement towards universal suffrage and a democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Basic Law of the Hong Kong Special Administrative Region and in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing, December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Standing Committee of the National People's Congress to guarantee that the Hong Kong Government develop and implement a plan and timetable to achieve universal suffrage and the democratic election of the legislature and chief executive of Hong Kong as provided for in the Basic Law of the Hong Kong Special Administrative Region, promulgated on July 1, 1997.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 23, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting

on pending committee matters, to be followed immediately by an oversight hearing on Indian Tribal Detention Facilities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 22, 2004, at 10 a.m. to conduct a hearing on ''Consideration of Regulatory Reform Proposals.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, June 22, 2004, at 9:30 a.m. on Aviation Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 22, 2004, at 10 a.m., in G50 Dirksen Senate Office Building, to hear testimony on Charity Oversight and Reform: Keeping Bad Things from Happening to Good Charities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 22, 2004, at 9:30 a.m., to hold a hearing on the Peace Corps Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 22, 2004, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 22, 2004 at 10 a.m. on ''Preserving Traditional Marriage: A View From The States'' in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Mitt Romney, Governor of Massachusetts.

Panel II: The Honorable MARILYN MUSGRAVE, United States Representative [R–CO], Washington, DC; The Honorable Bob Barr, former United States Representative [R–GA], 21st Century Liberties Chair for Freedom and Privacy, American Conservative Union, Smyrna, GA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 22, 2004, for a hearing to consider pending legislation. The hearing will take place in room 418 of the Russell Senate Office Building at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Agenda:

S. 50, the ''Veterans Health Care Funding Guarantee Act;''

S. 1014, requiring VA to place certain low-income veterans in a higher health care priority category;

S. 1153, the ''Veterans Prescription Drugs Assistance Act;''

S. 1509, the ''Eric and Brian Simon Act of 2003;''

S. 1745, the ''Prisoner of War/Missing in Action National Memorial Act;''

S. 2063, proposed demonstration project on priorities in the scheduling of appointments for veterans health care;

S. 2099, relating to educational assistance benefits for certain members of the Selected Reserve;

S. 2133, to name the Department of Veterans Affairs medical center in the Bronx, New York, as the James J. Peters Department of Veterans Affairs Medical Center;

S. 2296, relating to the conveyance, lease or disposal of the Louisville VA Medical Center;

S. 2327, the proposed coordination of VA per diem and Medicaid payments for care of veterans in State homes;

S. 2417, care for newborn children of veterans receiving maternity care;

S. 2483, the ''Veterans Compensation Cost-of-Living Adjustment Act of 2004;''

S. 2484, the ''Department of Veterans Affairs Health Care Personnel Enhancement Act of 2003;''

S. 2485, the ''Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004;''

S. 2486, the ''Veterans Benefits Improvements Act of 2004;''

S. 2522, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs;

S. 2524, relating to Blast Injury Research and Clinical Care Centers (BIRECCs); and

S. 2534, relating to various education and home loan benefits program improvements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, June 22, 2004 from 10 a.m.–12 p.m, in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Energy of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 22 at 2:30 p.m., to receive testimony regarding High performance Computing: Regaining U.S. Leadership. The purpose of the hearings is to examine the DOE's HPC R&D activities in both the National Nuclear Security Administration and the Office of Science, and to consider S. 2176, the High End Computing Revitalization Act of 2004, which would authorize the secretary to carry out a program of R&D to advance high-end computing through the Office of Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Tools to Fight Terrorism: Subpoena Authority and Pretrial Detention of Terrorists'' on Tuesday, June 22, 2004 at 2:30 p.m. in Dirksen 226.

Witness List:

Panel I—Rachel Brand, Principal Deputy Assistant Attorney General, U.S. Department of Justice, Office of Legal Policy, Washington, DC; Michael A. Battle, United States Attorney, Western District of New York, Buffalo, NY; and James K. Robinson, former Assistant Attorney General, U.S. Department of Justice Criminal Division, 1998–2001, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

TANF AND RELATED PROGRAMS CONTINUATION ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4589, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4589) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. 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. 4589) was read the third time and passed.

FREEDOM IN HONG KONG

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 494, S.J. Res. 33.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 33) expressing support for freedom in Hong Kong.

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble.

[Strike the parts shown in black brackets and insert parts shown in italic.]

S.J. RES. 33

[Whereas according to the April 1, 2004, ''U.S.-Hong Kong Policy Act Report'' by the Department of State, ''The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties'';

[Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), ''The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People's Republic of China with respect to economic and trade matters'';

[Whereas the Government of the Hong Kong Special Administrative Region (SAR) and the People's Republic of China have frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

[Whereas the Standing Committee of the National People's Congress of the People's Republic of China on April 6, 2004, declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform: Now, therefore, be it]

Whereas according to the April 1, 2004, report by the Department of State entitled U.S.-Hong Kong Policy Act Report, ''The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties'';

Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), ''The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People's Republic of China with respect to economic and trade matters'';

Whereas the People's Republic of China has frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

Whereas on April 6, 2004, the Standing Committee of the National People's Congress of the People's Republic of China declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform and, on April 26, 2004, declared that universal suffrage would not apply to the election of the third Chief Executive in 2007 or to the election of all members of the fourth Legislative Council in 2008: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, [That Congress—

[(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and

[(2) calls upon the President of the United States to—

[(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that all revisions of Hong Kong law are made according to the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive;

[(B) declare that the continued lack of a fully democratically elected legislature in Hong Kong constitutes a violation of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Bejing December 19, 1984 (the Sino-British Joint Declaration of 1984); and

[(C) call upon the Government of the People's Republic of China to honor its treaty obligations under the Sino-British Joint Declaration of 1984.]

That Congress—

(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and

(2) calls upon the President of the United States to—

(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that all revisions of Hong Kong law reflect the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive;

(B) declare that the continued lack of a fully democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Bejing December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Government of the People's Republic of China to honor its treaty obligations under the Sino-British Joint Declaration of 1984.

Mr. FRIST. Mr. President, I ask unanimous consent that the Feinstein amendment at the desk be agreed to, the committee amendment, as amended, be agreed to, the resolution, as amended, be read three times and passed, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3473) was agreed to, as follows:

(Purpose: To express support for democratic activity in Hong Kong)

On page 5, line 6, strike ''all''.

On page 5, line 8, strike ''a fully'' and insert ''universal suffrage and a''.

On page 5, beginning on line 11, strike all through line 23, and insert the following:

(B) declare that the lack of movement towards universal suffrage and a democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Basic Law of the Hong Kong Special Administrative Region and in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing, December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Standing Committee of the National People's Congress to guarantee that the Hong Kong Government develop and implement a plan and timetable to achieve universal suffrage and the democratic election of the legislature and chief executive of Hong Kong as provided for in the Basic Law of the Hong Kong Special Administrative Region, promulgated on July 1, 1997.

The committee amendment, as amended, was agreed to.

The joint resolution (S.J. Res. 33) was passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 33

Whereas according to the April 1, 2004, report by the Department of State entitled U.S.-Hong Kong Policy Act Report, ''The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties'';

Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), ''The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People's Republic of China with respect to economic and trade matters'';

Whereas the People's Republic of China has frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

Whereas on April 6, 2004, the Standing Committee of the National People's Congress of the People's Republic of China declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform and, on April 26, 2004, declared that universal suffrage would not apply to the election of the third Chief Executive in 2007 or to the election of all members of the fourth Legislative Council in 2008: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and

(2) calls upon the President of the United States to—

(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that revisions of Hong Kong law reflect the wishes of the people of Hong Kong as expressed through universal suffrage and a

democratically elected legislature and chief executive;

(B) declare that the lack of movement towards universal suffrage and a democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Basic Law of the Hong Kong Special Administrative Region and in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing, December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Standing Committee of the National People's Congress to guarantee that the Hong Kong Government develop and implement a plan and timetable to achieve universal suffrage and the democratic election of the legislature and chief executive of Hong Kong as provided for in the Basic Law of the Hong Kong Special Administrative Region, promulgated on July 1, 1997.

ORDERS FOR WEDNESDAY, JUNE 23, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Wednesday, June 23; I further ask that following the prayer and the pledge, 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. 503, S. 2400, the Department of Defense authorization bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, this has been a very contentious day on occasion. I would like to add what I hope will be a moment of pleasantness to what we do here, and that is talk about the Presiding Officer who has the patience of—I don't know if it is a Job at this stage, but a lot of patience because he has sat through the longest quorum call we have had in a long time which the Presiding Officer called himself. So on behalf of the Senate, the junior Senator from Missouri deserves our applause and congratulations for his patience.

Mr. FRIST. Mr. President, I second the commendation of the Presiding Officer. At times, I wish I had been in his chair instead of my chair, as we went through these negotiations.

PROGRAM

Mr. FRIST. 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 a total of 100 minutes of debate in relation to five separate amendments. At approximately 11:15 tomorrow, the Senate will proceed to up to five stacked rollcall votes on amendments to the Defense bill. Following those votes, the Senate will continue working through amendments. The chairman and ranking member were able to dispose of a number of amendments tonight, but over 30 remain pending. Votes are expected throughout the afternoon tomorrow as the Senate moves toward passage of the bill. In addition to votes in relation to the amendments, the Senate will also vote on several judicial nominations during tomorrow's session. As I just stated, if we are unable to finish the bill tomorrow, a cloture vote will occur on Thursday to bring this bill to a close.

Finally, I would add that the Appropriations Committee finished their work on the Defense Appropriations bill. It is important that we address this bill as well prior to the week's close.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:58 p.m., recessed until Wednesday, June 23, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. JOHNNY RAY YOUNGBLOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Johnny Ray Youngblood in recognition of his spiritual leadership and contributions to the community. Dr. Johnny Ray Youngblood is without a doubt, one of the leading theologians of his time. His commitment to the call of spiritual healing, racial parity, social justice and economic equity for all people has garnered him national recognition as a preacher, national leader, public advocate, motivator, writer and teacher. Now in his 30th year serving as senior pastor of St. Paul Community Baptist Church and 3rd year as senior pastor of Mt. Pisgah Baptist Church, both located in Brooklyn, New York, he has completed more than a quarter of a century pastoring to God's people.

In May of 1990, Youngblood received his Doctorate of Ministry degree from United Theological Seminary in Dayton, Ohio, where he studied with an elite group of preachers from across the country as a Samuel D. Proctor Fellow. Dr. Youngblood earned his Masters of Divinity degree from Colgate-Rochester Divinity School in Rochester, New York, and his bachelor's degree from Dillard University in New Orleans. Dr. Youngblood is now single and a father of three sons, Joel Ray, Jason Royce and Johnny Jenell, and the grandfather of Donny Lynn, Joshua, Jalen and Jordyn.

Dr. Youngblood has earned national recognition because of his work with East Brooklyn Congregations (EBC), an affiliate of the Industrial Areas Foundation. He is credited through EBC with spearheading the Nehemiah Housing project, which to date has constructed approximately 2,850 owner-occupied single family homes in some of the most devastated communities in Brooklyn. He has served as national spokesman for the group and in 1990, was recognized in the CONGRESSIONAL RECORD for his trailblazing work with the project. Dr. Youngblood is a subject of the Harper Collins book, "Upon This Rock: The Miracles of a Black Church," written by Samuel G. Freedman. In 1996, Youngblood and the ministry of the St. Paul Community were featured in an article entitled "Crossing Border" in the premiere edition of Common Quest magazine. In December of 1995, Dr. Youngblood was also listed in The New Yorker magazine as one of the "ten most influential" New Yorkers. He has been profiled on ABC's 20/20, NBC Nightly News, CBS Sunday Morning News, FOX 5's McCreary Live Report, and the Charlie Rose Show.

In September 1995, Dr. Youngblood launched what has become one of the premier projects on the Church's annual calendar, now known as the commemoration of the Maafa. Dr. Youngblood is spearheading a national effort to promote the Maafa as a spiritual movement aimed at healing this Nation around the scars of slavery. Since 1998, the St. Paul Community has toured "The Maafa Suite" production to venues including Dallas, Mississippi, Seattle, Atlanta, Chicago and Connecticut.

In June of 1998, Dr. Youngblood released his own book of poetry entitled, "I Honor My Father"; a collection of poems inspired by the illness and loss of his father in the same year.

Mr. Speaker, Dr. Youngblood has dedicated his life to helping people through his spiritual leadership, public advocacy and civic participation. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO CMSGT EDDIE E. CHITWOOD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to retiring Chief Master Sergeant Eddie E. Chitwood, the Chief Enlisted Manager of the 509th Maintenance Operations Squadron at Whiteman Air Force Base, for his service to our Nation.

CMSgt Chitwood's time in the USAF has been marked with many accomplishments through the years. He has excelled both in his 16 years as an Aircraft Maintenance Technician and in his 11 years in the field of Airlift Aerospace Maintenance. He attended both the Airman Leadership School at Luke Air Force Base and the Tactical Airlift Command NCO Academy, earning the title of Distinguished Graduate from each. During his time at Whiteman Air Force Base he received many other distinctions including: the Operations Group Warfighter Award, a 509th Bomb Wing SNCO of the Quarter, and the 509th Bomb Wing 1999 Lance P. Sijan Award for Leadership. His popularity and leadership have been clearly reflected by his election to the post of Whiteman Top Three Enlisted Organization president in 2001 and Whiteman Chief's Group Vice-President.

As CMSgt Chitwood and his wife Elizabeth prepare to spend more time volunteering and serving on various community organizations, I know the Members of the House will join me in expressing appreciation for his dedication and service to our great Nation.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 276–278 on June 22, 2004. These were suspension votes H. Res. 591—expressing the sense that a month should be designated Community Banking Month, H.R. 4363—Helping Hands for Homeownership Act of 2004, and H. Res. 660—Congratulating Randy Johnson on his perfect game. At the time these votes were called, my flight from my Congressional District to Washington, DC was diverted due to weather and I was thereby delayed en route to Washington, DC.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 276, expressing the sense that a month should be designated Community Banking Month, —"aye"; rollcall vote No. 277, on Prostate Cancer Awareness, "aye"; rollcall vote No. 277, on Helping Hands for Homeownership Act of 2004, "aye"; and rollcall vote No. 278, Congratulating Randy Johnson on his perfect game, "aye."

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Monday, June 21, 2004, the House had votes on H. Res. 591, H.R. 4363, H. Res. 660. On House rollcall votes Nos. 276, 277 and 278, I was out of the country. Had I been present, I would have voted "yea" on each.

PAYING TRIBUTE TO CWO4 JACKIE L. KARSTEN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. TANCREDO. Mr. Speaker, those who serve in our armed forces show great dedication to and pride in our country. These people often make personal sacrifices during their service to perform their duties. Therefore, it is with great pride that I rise today to recognize the service of Chief Warrant Officer–4, Jackie Karsten.

Chief Warrant Officer Karsten retired on May 1st after 30 years of service. She later celebrated her retirement at a formal ceremony the 22nd of May.

Mr. Speaker, people who show allegiance and devotion to our country through military service are remarkable individuals. Jackie is one of those individuals. I commend her for her 30 year career with the U.S. Navy and wish her all the best in all her future endeavors, and throughout her retirement.

TRIBUTE TO KATHERINE CORBETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Katherine Corbett in recognition of her dedication to educating our children and improving the quality of our educational system as well as her spiritual leadership in her community.

Katherine Corbett is a native of Brooklyn, New York who has been married to a seventh grade friend Eddie Corbett for 34 years. She is the mother of four children; Kandice, Eddie Jr., Inez, and Frank. She is the grandmother of Diondre, Keilah, Joshua, and Sheraya.

Katherine is honored to be the principal of the Ronald Edmonds Learning Center-Middle School 113 in Brooklyn. During her 12 years as the educational leader, MS 113, she has earned numerous awards, grants and citations. Of her many outstanding achievements, the school remains the only middle school in the United States that has met the criteria to be a National Alliance of Black School Educators Demonstration school since the program began in 1997. In 1998, MS 113 was one of six schools in the United States, out of 54,000, to be designated by the United States Secretary of Education to be a Title One Distinguished School. In the same year, Katherine was recognized by the New York State Department of Education as a Title One Distinguished Educator. Yale University awarded Katherine with the Patrick Daly Award for Excellence in educational leadership.

In addition to her service to Middle School 113, Katherine has served the New York State Department of Education and Harvard University as a mentor for principals and low performing schools. In December 2000, Katherine was recruited to serve as one of the members of the Distinguished Faculty for New York City Department of Education's Principals Institute. Throughout the 2002–2003 school year, Katherine served as a mentoring principal for New Leaders for New Schools, a national graduate program for aspiring educational leaders.

In addition to her work in the educational community, Katherine serves as the senior pastor of New Life Ministries in West Hempstead, New York. The church serves the community with a number of programs that are designed to build the spirit and soul. Katherine is most grateful to be called, appointed, and chosen to serve humanity as she serves her God.

Mr. Speaker, Katherine Corbett has committed herself to educating our children through her work as a principal and as a mentor to other educators. She has also served her community through her work as a pastor. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING LIEUTENANT GENERAL ROBERT B. FLOWERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Lieutenant General Robert B. Flowers, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers, will retire on July 1 after 35 years of dedicated and meritorious service to our nation.

LTG Flowers followed his father into the Army after being commissioned from the Virginia Military Institute in 1969. Since that time he has led at every level of command, culminating in his current role as Chief of Engineers and Commanding General of the United States Army Corps of Engineers. Prior to his selection as Chief of Engineers in October 2000, he served as Commanding General of the Maneuver Support Center at Fort Leonard Wood in Missouri, home to the Army's engineer school. In this post, General Flowers helped produce and train our nation's engineer soldiers, units and leaders.

Throughout his career, General Flowers effectively trained and led engineer soldiers around the globe. During Operations Desert Shield and Desert Storm he commanded an expanded, ten battalion brigade and led more than 7,700 soldiers into battle in Iraq. Among his many other distinguished assignments include Assistant Division Commander of the 2nd Infantry Division in Korea; Commander of the Army Corps of Engineers 12-state Mississippi Valley Division; Deputy Chief of Staff for Engineering U.S. Army Europe in Bosnia and President of the Mississippi River Commission, which develops and implements plans to improve navigation and safety, prevent floods, and promote and facilitate commerce and trade on the river.

In his current role as Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers, he is the Army Chief of Staff's senior advisor on engineer issues. Simultaneously, he leads the U.S. Army Corps of Engineers and its more than 35,000 soldiers and civilians. During a critical time in America's history, General Flowers led the Army Corps of Engineers' support to the Nation. Following the terrorist attacks on September 11, 2001, General Flowers ensured the immediate and significant support given to recovery operations at the Pentagon and in New York City.

Mr. Speaker, under the leadership of General Flowers, the Corps of Engineers continues to play a vital role in the War on Terror and support reconstruction efforts in Iraq and Afghanistan. His efforts have resulted in lasting and significant impacts to our nation and the Armed Forces. I know my fellow Members of the House will join me in thanking him for his years of dedication and selfless service and wishing him all the best in the years to come.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 232–235 on June 14, 2004. These were suspension votes on H.J. Res. 97—Renewal of import restrictions on Burma, H. Res. 669—Prostate cancer awareness, H.R. 4323—Rapid Acquisition Authority for Combat Emergencies and H. Res. 653—Recognizing 80th Birthday of President George H.W. Bush. At the time these votes were called, I was in my congressional district in Pensacola, FL with Vice-President CHENEY 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. 232, Renewal of import restrictions on Burma—"aye"; rollcall vote No. 233, on Prostate cancer awareness, "aye"; rollcall vote No. 234, on Rapid Acquisition Authority for Combat Emergencies, "aye"; and rollcall vote No. 235, on Recognizing 80th Birthday of President George H.W. Bush, "aye."

PAYING TRIBUTE TO SHIRLEY GRIEVE, INGHAM COUNTY COMMUNITY NEWS 2004 VOLUNTEER OF YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Shirley Grieve who is described as "a one-woman champion of causes" in Ingham County, MI. Shirley Grieve's contributions are best described in an article in the Ingham County Community News, written by Editor Rachel Taylor:

MASON, MI.—Shirley Grieve is a one-woman champion of causes.

To find out which one she's campaigning for on any given day, just take a look around her Mason home, where the 67-year-old resident spends time raising money for worthwhile efforts.

Addresses, letters, leaflets and various "thank you" notes litter Grieve's dining room table. The mother of six takes volunteering seriously, committing to fundraising goals and these days, surpassing most of them.

This June, Grieve will be recognized for her commitment, as the Ingham County Community News' 2004 Agnes Corner Volunteer of the Year recipient. The award, now in its fifth year, is given to a member of the community that has made significant volunteer contributions locally.

Grieve fits the bill perfectly. This year alone the list of her efforts includes: Raising $6,000 for the Capital Area Community Services' (CACS) Walk for Warmth in February, which helps pay heating and electric bills for people in dire need of financial assistance; collecting hundreds of items to send to U.S. troops stationed overseas; organizing a spaghetti dinner to benefit the Mason Kiwanis Golden K Club; and raising over $7,000 to help fund Angel House in a matter of weeks. The project is headed up by Capital Area Child & Family Services to build mid-Michigan's first emergency shelter and advocacy center for abused children.

I always said, "I'm going to get out and make something of myself," explained Grieve, who grew up in West Virginia as the daughter of a coal miner. "Now, I didn't make something of myself by working but I made something of myself by volunteering."

Grieve said her volunteer efforts started 32 years ago after moving to Mason from Lansing with her husband Richard. She said the rural life style was a shock in many ways and made her desperate to make friends in the community.

"The only thing I had was a dog in the back yard," remembered Grieve. "Then the kids would go to school and I would just have the baby."

In an effort to meet people, Grieve said she started volunteering in the schools, where her children were attending. Through Girl Scouts and the PTO Grieve said she began feeling more at home.

Soon Grieve began volunteering at St. James Catholic Church, where her family still attends services. Other projects followed. Throughout all of it, Grieve said she remembered to follow in her mother's footsteps—a woman who made her own mark with church fundraisers and bake sales in West Virginia.

The most important rule her mother taught her? ''You always send a thank you note and people will respond with your next fundraiser,'' she said.

CACS Center Coordinator Deb Biehler said Grieve, who has been volunteering with the agency for five years, is a force of positive energy.

''She can work circles around people,'' said Biehler.

Grieve raises at least three-quarters of the funds raised during Walk for Warmth each year. ''We wouldn't have raised the money without her,'' said Biehler. ''She's helped hundreds of people.''

And then there are the little things, said Biehler, like volunteering to collect food bank donations every Sunday at St. James and picking up bread for the food bank at local stores when no one else can go.

Members of the Mason Kiwanis Golden K Club say Grieve is an asset to the community. The club's president-elect, Jim Day stated, ''She has that rare gift for causing other people to share their time and funds with a minimum of resistance and a maximum of positive results. I am in awe at hearing about her achievements and of the wonderful good that she generates. People who possess her awesome ability and dynamic energy in motivating people in supporting worthwhile causes are very rare individuals.''

Mason resident Don Jacot said Grieve's volunteer efforts are felt throughout the Mason community. ''She is a trustee for the Fair City Golden K Kiwanis Club. She volunteers for the Signal Corps Operation Up Link for service men and women. She volunteers for the Book Buddies and Head Start. What energy.''

Grieve said she is happy to help further good causes. ''I know in my heart it makes me feel good,'' she said. ''I get so much out of it. I think if people did it once they'd do it again too.''

The staff of the Ingham County Community News is planning a luncheon ceremony in Grieve's honor on Tuesday, June 29 in Mason.

Mr. Speaker, we wish to extend congratulations to Shirley Grieve for her commitment to serving her community. We are honored to support her efforts and ask that our colleagues in the U.S. House of Representatives join us in recognizing their very worthy achievements.

PAYING TRIBUTE TO MR. SIMING YANG

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. TANCREDO. Mr. Speaker, I rise today to recognize the accomplishments of an outstanding student from my district, Mr. Siming Yang. Mr. Yang has the distinction of being honored as one of the more than 140 national winners of the 2004 Presidential Scholar Award.

The award honors graduating seniors that excel in their community, both in and out of the classroom. Each year, the White House Commission on Presidential Scholars selects the winners based on Academic and artistic success, leadership, and involvement in school and community.

Mr. Yang is invited to be honored in Washington during the upcoming Presidential Scholars National Recognition Week, which runs from June 19 through the 22. Mr. Yang and his family plan to travel to the Nation's Capital at that time, along with his most influential teacher, Mr. Ron C. Carda of Dakota Ridge High School.

Mr. Speaker, Siming Yang has demonstrated, through his academic accomplishments, his willingness to lead his peers, his community achievements, and his dedication, that he is worthy of receiving this honor. So once again, I recognize this young man's achievements before this House today, and I wish him all the best in his bright future.

CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SIMPSON. Mr. Speaker, I rise today to introduce legislation that would improve access to dental coverage for our Nation's most precious commodity, children. As a former practicing dentist in my home state of Idaho, I have long been concerned about access to dental coverage for our most vulnerable citizens. While most Americans have access to the best oral health care in the world, low-income children suffer disproportionately from oral disease. Even as our Nation's health has progressed, dental caries or tooth decay remains the most prevalent chronic childhood disease. Millions of Americans, adults and children, lack access to dental care. In many parts of Idaho, as in many rural States, there simply aren't enough dentists within reasonable distance of some communities.

For people who don't have access to dental care, oral disease is almost 100 percent inevitable—albeit 100 percent preventable. This is particularly heartbreaking when it affects children. Recent demonstration projects have shown that with some Federal support, a little funding can go a long way toward ensuring that low-income children have access to good oral health care. My legislation, H.R. 4622, cosponsored by Congressman JOHN DINGELL, would assist States in doing just that.

H.R. 4622 would not issue Federal mandates, but rather would provide support to States as they determine how best to improve access to dental care in their communities. I believe that States are the best arbiters of how to enhance access to care for their residents, with the understanding that for any such effort to succeed, it must begin by reimbursing dentists who participate in Medicaid and SCHIP at market rates.

H.R. 4622 would: Provide financial incentives and planning grants to help States improve their Medicaid programs. States must first create a comprehensive plan for improving the delivery of dental services, and they must also adequately reimburse dentists for children's dental services; Offer grants to expand the availability of dental services in health professional shortage areas. Grants would be made available to dentists who practice in federally designated dental shortage areas if at least 25 percent of their patient-base receives assistance under Medicaid or SCHIP. Grants would also be available to qualifying community health centers, State public health departments, Indian tribes/tribal organizations and accredited dental education programs; Ensure that States provide some level of dental benefits through SCHIP; Offer States the option to use their SCHIP funding to provide dental coverage to children in families who have medical but not dental coverage and meet SCHIP income-eligibility requirements; Expand School-Linked Dental Sealant Programs to include eligible school-linked public or non-profit organizations and Indian tribes that are under contract with an elementary or secondary school to provide dental services to school-aged children.

Mr. Speaker, this legislation is but a small step forward toward the goal of ensuring that every child in America has good oral health, but it is a necessary first step. I ask all my colleagues to join with me in supporting H.R. 4622.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. PORTMAN. Mr. Speaker, yesterday I was absent attending meetings in my Congressional District in Ohio and missed the votes on rollcall No. 276, on H. Res. 591, designating Community Banking Month; rollcall No. 277, on H.R. 4363, the Helping Hands for Homeownership Act; and rollcall No. 278, on H. Res. 660, Congratulating Randy Johnson with the Arizona Diamondbacks on pitching a perfect game.

Had I been present, I would have voted ''yes'' on rollcall No. 276, ''yes'' on rollcall No. 277, and ''yes'' on rollcall No. 278.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mrs. CAPPS. Mr. Speaker, on rollcall No. 276, had I been present, I would have voted ''yes.''

20TH ANNIVERSARY OF GEORGE C. MARSHALL INSTITUTE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. ISSA. Mr. Speaker, I would like to take this opportunity to congratulate the George C. Marshall Institute here in Washington, DC on their 20th anniversary this June.

For the past 2 decades, the Marshall Institute has tirelessly promoted the use of sound

science in making public policy and has provided Congress and the public with valuable assessments of recent scientific advances and trends. By stressing fact-based assessments of science, the Marshall Institute has helped policy makers make wise decisions in contentious areas such as climate change, defense, bioterrorism, and civic environmentalism. I ask that all of my colleagues in the House of Representatives join me in honoring this institution, which has provided an invaluable service to the policy-making community for the past 20 years, and in wishing them all success in the future.

TRIBUTE TO VIC JENSEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside County, CA, are exceptional. We have been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Vic Jensen is one of these individuals.

Vic Jensen will retire after 34 years of service as office manager of the Department of Motor Vehicles' Winnetka, Hemet, Corona, and Norco field offices on June 26, 2004.

Vic Jensen was born in Sacramento, California, on January 27, 1937. He and his wife, Isabel, have been married for 40 years and have one daughter, Julie Kim. Vic served in the United States Navy for 4 years, before moving to Norco in 1981 and quickly becoming involved in a variety of community activities, including: Board Member and President of the Norco Chamber of Commerce for 9 years; Commissioner of the Norco Streets and Trails Commission for 7 years; Numerous positions—President, Secretary, Zone Chairman, and Regional Chairman—over 14 years with the Norco Lions Club; Chairman of the Sight and Hearing Board for the Norco/Corona Unified School District; and Member of the Citizen's Advisory Committee for the California Rehabilitation Center.

Recognition of Vic's contributions include the Riverside County Board of Supervisors, Assemblyman Ted Weggeland, State Senator Raymond Haynes, and former California Governor Pete Wilson, for his work as President of the Norco Chamber of Commerce in 1996. Additionally, he has received the Abdul Award for his work with Canine Companions, the Lyda Smiley Award for his work with the Norco/Corona Unified School District in obtaining glasses for children in need, and the Melvin Jones Fellowship Award in 1997 for all of his accomplishments as a member of the Norco Lions Club.

Vic also spends countless hours in perfecting his passion for golf, golf, and more golf. Whenever a chance arrives he is fine-tuning his game.

Mr. Speaker, Vic's tireless passion for community service has contributed immensely to the betterment of the community of Norco, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American, and friend. I know that many community members are grateful for his service and salute him as he retires from professional service, but not from community service.

IN RECOGNITION OF MARION BROADHEAD OF THE AMERICAN LEGION AUXILIARY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SHAW. Mr. Speaker, I rise today to recognize Ms. Marion Broadhead and her work as a member of the Sterling McClellan Post 142 of the American Legion Auxiliary. This organization, which is dedicated to humanitarian programs for veterans, young people, and the community, has a strong team of women working together for the betterment of citizens lives.

Recently the Sterling McClellan Post 142 of Pompano Beach, Florida, honored Ms. Broadhead as their five-time president, and current chaplain with the Unit Member of the Year Award. Ms. Broadhead was honored at an annual Memorial Day Parade and Picnic in Pompano Beach. Former U.S. Attorney General Janet Reno, along with members of the community and some surviving veterans, joined in this celebration.

Ms. Broadhead has led in the effort of community service by volunteering weekly in South Florida. Broadhead, who is a breast cancer survivor, spends her days visiting North Broward Medical Center, Trinity Community Church, St. Lawrence Chapel, and the Veterans Hospital in Miami.

Mr. Speaker, the benevolent and generous spirit that Ms. Marion Broadhead, in combination with the Sterling McClellan Post 142, has shown to the communities of South Florida is one that I would like to celebrate. Individuals like Ms. Broadhead help in building unified and strong communities in America.

PRESIDENT RONALD REAGAN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mrs. JONES of Ohio. Mr. Speaker, I was not able to speak on the floor Wednesday, June 9, 2004, regarding the passing of former President Ronald Reagan. However, I would like to submit to the RECORD an article from Cleveland Plain Dealer written by local columnist Sam Fullwood on Tuesday, June 8, 2004.

PRESIDENT REAGAN: A BAD LEADING MAN

I never liked Ronald Reagan.

I didn't like him as a B- movie star in eyewash like ''Bedtime for Bonzo,'' a 1951 movie in which the future president of the United States was upstaged by a chimpanzee.

I didn't respect him for turning away from President Franklin D. Roosevelt, whose New Deal policies helped lift Reagan's own family out of the depths of the Great Depression.

He was a hypocrite who started out as a Democrat and proud union man but turned Republican after he became rich and famous in Hollywood by pretending to be a common man.

But it was as president that I disliked Reagan most. Actually, the way he announced his decision to run ruined any chance of redemption.

On Aug. 3, 1980, the former California governor went to Philadelphia, Miss. Of all the places in this great nation, Reagan chose the infamous town where the bodies of three murdered heroes of the civil rights movement—Michael Schwerner, Andrew Goodman and James Chaney—had been found in 1964. He never mentioned them or civil rights in his announcement speech.

Instead, on that hot, summer day in Mississippi, he stole a line from Strom Thurmond's 1948 segregationist campaign.

''I believe in states' rights,'' Reagan said.

I haven't been able to stomach him ever since.

Of course, a great many people loved Reagan for his optimism and never-say-die confidence in this nation. I tip my hat to him for that.

But judging from the accolades following news of Reagan's death, at 93, last weekend, many people only note the best about the 40th president.

I remember the downside, too.

Much of the bad that has happened in America's public life started with the Reagan Revolution. Racial polarization widened during his two terms in the White House.

Reaganism let loose a sense of entitlement and lawlessness among corporate executives, spawning that famous line by actor Michael Douglas in his 1987 movie, ''Wall Street.'' Said Gordon Gekko, ''Greed is good.''

Before Reagan, the national GOP contained moderates and conservatives in equal measure. After his rise to power, the relatively liberal Rockefeller wing of the party was clipped, leaving only the red-meat conservatives and intolerant Christian fundamentalists.

And that wasn't the worst of it. Reagan and his powerful allies poisoned the nation against government. Out of misguided populism, he threatened to starve the federal government out of existence.

Such a notion was impossible. But it didn't prevent Reagan from overseeing record deficits, rampant unemployment, desperate homelessness and rising poverty. Meanwhile, he spent liberally on military hardware, which helped end the Cold War.

Little is said about how he waged war on this nation's poor people. Reagan loved to tell stories, and he invented whoppers about ''welfare queens'' and ''people on welfare driving Cadillacs to cash food stamps.''

Reagan understood the power of an exaggerated metaphor. He used his movie-honed skills to inspire affluent Americans and to scapegoat poor ones.

It was mostly smoke and mirrors, honed from a life and career lived in La-La Land. I am saddened by his passing, but I can't indulge in the fiction that he represented the best of our national character. He didn't.

First and everlasting, Reagan was a bad actor.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mrs. MALONEY. Mr. Speaker, on June 18, 2004, I missed rollcall Vote No. 275. Rollcall

Vote No. 275 was on final passage of a bill Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Had I been present, I would have voted "yea" on rollcall Vote No. 275.

COMMENDING THE SERVICE AND SPIRIT OF SISTER JEANNE O'LAUGHLIN UPON HER RETIREMENT FROM THE PRESIDENCY OF BARRY UNIVERSITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commend the long and dedicated service of Sister Jeanne O'Laughlin, who will step down as president of Barry University on June 30, 2004.

Mr. Speaker, Sister Jeanne has been an exemplary leader at Barry University since taking office 23 years ago, in 1981. A tireless and enthusiastic promoter, she has helped to raise more than $200 million for her school, sometimes through humorous means, such as competitive ballroom dancing and singing at a fundraiser aboard a yacht.

Sister Jeanne has made an enormously positive impact on the academic environment at Barry University. At the time of her inauguration, Barry University had 1,750 students. It now boasts 9,042, the fourth largest private university in Florida. Sister Jeanne has presided over an increase in the number of academic schools from five to ten, and the construction of 38 additional buildings on campus.

Her multiple awards, achievements and honorary degrees, too many to list here, testify to her boundless energy, her spirit of goodwill, and her commitment to excellence in education. Her work on behalf of women's rights, the homeless, safe and drug-free school communities, hurricane reconstruction efforts, children, and numerous other organizations has had a lasting impact in South Florida. Simply put, her efforts have touched hundreds of thousands of lives.

Mr. Speaker, Sister Jeanne more than deserves our admiration and respect for her dedicated and compassionate public service. She is an example to educators everywhere, and, really, to us all as individuals, that superior results arise when you put your heart and soul into something you believe in. As Sister Jeanne has said, what she is "most proud of in my 23 years at Barry University are the experiences that I've had with the people who have been in my life."

I wish to congratulate and thank Sister Jeanne O'Laughlin, and I wish her the best of luck in all of her future endeavors.

TENTH YEAR OF NATIONAL HIV TESTING DAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to join the AIDS Services Foundation of Orange County, California in recognizing the tenth year of National HIV Testing Day, a life saving effort organized by the National Association of People with AIDS. This year's theme is "Take the test, and take control" of your life.

Each year, an estimated 40,000 new HIV infections occur in the United States, and as many as one-third of those new cases do not know they are infected. This growing and tragic epidemic has undeniably affected families and friends of every community. National HIV Testing Day emphasizes the importance of early detection of the virus through testing, counseling and HIV status awareness.

Latino populations continue to be disproportionately affected by HIV/AIDS. While Latino teens represent 15 percent of the U.S. population, they account for 21 percent of new AIDS cases. And statistics show HIV infections may be on the rise among the Latino population.

I am privileged to promote National HIV Testing Day by urging minority communities to take the test, and to take control of their lives. The reality is minority communities now represent the majority of new AIDS cases. Considering this fact, we must encourage testing. Since 1995, treatment advances have led to dramatic declines of approximately 70 percent in HIV-related deaths.

Mr. Speaker, I commend the AIDS Services Foundation of Orange County for the very important contributions and services they provide to those affected by HIV and AIDS. As Members of Congress, let's do our part to protect our constituents and to promote National HIV Testing Day.

HONORING ISABELLE WADSWORTH OF PETALUMA, CA ON HER 90TH BIRTHDAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Isabelle Wadsworth of Petaluma, California, on the occasion of her 90th birthday. A good friend, a wise woman, and a great mind, Isabelle's active life is a model for all of us who value community leadership and visionary spirit.

Born in Phoenix, Arizona, in 1914, Isabelle earned a BA at the University of Arizona and an MA at Northwestern University. In Arizona, she met her future husband, John Wadsworth. They married in 1937 and headed for California shortly thereafter. Initially, John managed a paint store in Santa Barbara and then served in the U.S. Army Air Corps until 1946. During the War, Isabelle moved to Sonoma County where John joined her later. Their daughter Sandra was born in 1948. The couple enjoyed a 63-year marriage. John passed away in 2000.

In 1943, Isabelle began work as an office manager at Sonoma Title Guaranty, eventually joining the Board of Directors from which she retired in the 1960s. Her concern for her community resulted in the creation of Petaluma People's Services, which she helped launch in 1963. Today the organization successfully offers a broad range of services such as counseling, housing, employment assistance, senior services, and other programs.

As a director at Sonoma County Mental Health Services, Isabelle was instrumental in the establishment of Oakcrest, a county mental health facility. She also served on the Sonoma County Grand Jury and was active in the League of Women Voters. She remains politically involved today, following the news closely and commenting freely on the issues.

Daughter Sandi describes Isabelle as "an inspiration and a mentor to me. She taught me the value of being a well-rounded person, exposing yourself to as much as you can and learning about everything."

Mr. Speaker, Isabelle Wadsworth is an inspiration to many of us, especially women who share her passion to make a difference. Her community leadership shows what caring people can accomplish. Happy Birthday, Isabelle.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on June 21, 2004. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 276, 277, and 278.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

The House in Committee of the Whole House on the State of Union has 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. KIND. Mr. Chairman, I rise in opposition to the amendment offered by my friend and colleague, Congressman RUSH HOLT.

Yellowstone National Park is the flagship of the National Park Service and is a favorite to millions of visitors each year. Since the first explorers began documenting their discoveries to modern day, the features of Yellowstone National Park have virtually remained the same. The scenic beauty, the thermal features, the volcanic mysteries, the free roaming wildlife are all a throwback to bygone days that continues to captivate the hearts and minds to all who are fortunate enough to witness them.

Mr. Chairman, this wonderful experience should remain available to those who responsibly use a snowmobile to enjoy all that Yellowstone has to offer.

Snowmobiling is a very important recreational activity for many Wisconsin families each winter. In fact, there are over 210,000 registered snowmobiles in my state, and I am concerned this amendment would unnecessarily curtail a popular method of enjoying Yellowstone and negatively impact on the industries snowmobiling supports.

The manufacturers of snowmobiles have successfully labored to build quieter, cleaner machines. The four-stroke engines found in new generation snowmobiles emit far less hydrocarbons and carbon monoxides than the older, two-stroke models. In addition, they operate at a decibel level that is quieter than many vacuum cleaners.

The sixty-five thousand snowmobiles that enter the parks each winter on a limited road system is part of a new Winter-Use Plan that allows all Americans to enjoy the majestic beauty of Yellowstone, while still preserving the health of the Park and the wildlife that live there. In fact, the environmental impact of these machines on this national treasure is likely far less than that of the nearly two million cars and trucks that enter in the summer months.

Mr. Chairman, responsible snowmobiling has its place in the American outdoors, especially in national forests designed for multiple-use. I urge my colleagues to oppose this amendment.

IN HONOR OF FRANCIS A. PETERLIN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. MORAN of Virginia. Mr. Speaker, it is with great pleasure that I rise today to recognize and honor the service and career of Mr. Francis A. Peterlin as he prepares to retire after forty-four years of distinguished service in support of our Nation. Throughout his career, Mr. Peterlin has epitomized the Navy's core values of honor, courage and commitment and has displayed exceptional leadership in the advancement of the Navy's military construction requirements within the Department of Defense and the Congress.

In July 1960, Mr. Peterlin began serving his nation at the Department of Interior. In 1962, he chose a different path and entered the military in the Navy Reserves as a Civil Engineer Corps officer. While serving in June 1965 as Officer-in-Charge of SEABEE Technical Assistance Team 1104 in Dong Xoai, Vietnam, his unit was overrun by Republic of Vietnam Army forces. For his bravery and leadership during this encounter, Mr. Peterlin was awarded the Silver Star and Purple Heart medals along with the Navy Unit Commendation Medal for SEABEE Team 1104.

Upon discharge from the hospital and military service in 1966, Mr. Peterlin began his 38-year association with the Naval Facilities Engineering Command as a Civil Engineer for the Resident Officer of Construction, Pacific in San Bruno, California. During this tour ROICCPAC was awarded a Meritorious Unit Commendation for its support of construction efforts in Southeast Asia.

In 1969, he adopted the Commonwealth of Virginia as his home when he transferred to the Headquarters of the Naval Facilities Engineering Command located at the time in Alexandria, Virginia. In a succession of positions of increased responsibility Mr. Peterlin brought to this Command keen insight, attention to detail and a calm demeanor that fostered thoughtful and effective solutions. From 1969–1979, he was a civil engineer in the Interagency Construction Division providing project management for projects from various defense and federal agencies. In 1979, he became a Supervisory General Engineer in the Officer in Charge of Construction, Trident, Program supporting the construction of new homeports for Trident class submarines in Bangor, Washington, and Kings Bay, Georgia. From 1981–1991, he served as the Command's Congressional Advisor, providing professional advice to senior Navy officials testifying at Congressional hearings and dedicated and trusted support to the staffs of the Armed Service and the Military Construction Appropriation committees of both the House and Senate. He then served as a Division Head from 1991–1997, Deputy Director 1997–2002, and Director 2002 to the present of the Military Construction Directorate.

His steadfast leadership and superb performance have won him numerous awards, including the Department of the Navy's Superior Civilian Service Award in 1988 and the Distinguished Civilian Service Award in 1991. Mr. Peterlin completes his distinguished and honorable career in public service as Director of Military Construction, Naval Facilities Engineering Command responsible for the programming, budgeting, and construction of all Navy ashore facilities worldwide. He leaves behind a cadre of proteges that he has mentored into positions of leadership to carry on his legacy.

I am pleased to recognize and thank Frank Peterlin for his long and dedicated service to this country and join with his friends and colleagues in wishing him ''Fair Winds and Following Seas'' as he and his wife Elena begin a well-earned retirement.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. BECERRA. Mr. Speaker, on Monday, June 21, 2004, I was unable to cast my floor vote on rollcall Nos. 276, 277, and 278. The votes I missed include rollcall vote 276 on the Motion to Suspend the Rules and Agree to H. Res. 591, Expressing the Gratitude of the House of Representatives for the Contributions made by America's Community Banks; rollcall vote 277 on the Motion to Suspend the Rules and Pass, as Amended H.R. 4363, the Helping Hands for Homeownership; and rollcall vote 278 on the Motion to Suspend the Rules and Agree to H. Res. 660, Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 276, 277, and 278.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. ISAKSON. Mr. Speaker, I was not able to be present for rollcall votes 260 through 278 on Thursday, June 17, 2004, Friday, June 18, 2004, and Monday, June 21, 2004 due to a requested and approved leave of absence. Had I been present, the record would reflect that I would have voted:

''Yea'' on rollcall 260, on approving the journal;

''No'' on rollcall 261 on the Hinchey amendment numbered 18 printed in the CONGRESSIONAL RECORD to prohibit the use of funds to kill bison, or assist in the killing of bison, in the Yellowstone National Park herd;

''No'' on rollcall 262 on the Sanders amendment to prohibit the use of funds to maintain more than 65 million barrels of oil in the Strategic Petroleum Reserve;

''No'' on rollcall 263 on the Holt amendment numbered 4 printed in the CONGRESSIONAL RECORD to prohibit the use of funds to permit recreational snowmobile use in Yellowstone National Park, Grand Teton Park and the John D. Rockefeller, Jr. Memorial Parkway, which connects the two parks;

''Yes'' on rollcall 264 making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes;

''No'' on rollcall 265 on the DeFazio amendment numbered 17 printed in the CONGRESSIONAL RECORD to strike the proviso beginning on line 5;

''No'' on rollcall 266 on the Sweeney amendment numbered 3 printed in the CONGRESSIONAL RECORD to increase by $450,000,000 the Office for State and Local Government Coordination and Preparedness;

''No'' on rollcall 267 on the Jackson-Lee amendment to increase research, development, acquisition and operations by $10,000,000;

''No'' on rollcall 268 on the DeLauro amendment which sought to insert a new section at the end of the bill to require that none of the funds appropriated by this Act may be used to issue an order under a task and delivery order contract to entities not in compliance with section 835 of Public Law 107–296;

''No'' on rollcall 269 on the Roybal-Allard amendment numbered 1 printed in the CONGRESSIONAL RECORD to prohibit the use of funds to process or approve a review of options for privatizing of contracting out services provided as of June 1, by employees or temporary employees of the Bureau of Citizenship and Immigration Services who serve as immigration information officers, contract representatives or investigative assistants;

''Yes'' on rollcall 270 on the Tancredo amendment to prohibit the use of funds to provide assistance to any state or local government entity or official that prohibits or restricts the sharing of an individual's citizenship or immigration status with the Bureau of Immigration and Customs Enforcement;

''No'' on rollcall 271 on the Maloney amendment numbered 9 printed in the CONGRESSIONAL RECORD to limit to 80 the total number of grants available under the Urban Area Security Initiative, which provides discretionary grants to high-threat, high-density urban areas;

''No'' on rollcall 272 on the Sabo amendment to insert a new section at the end of the bill for the Privacy Officer of the Department of Homeland Security to conduct privacy impact assessments of proposed rules as authorized by section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142), hereby derived from

the amount provided in this Act for ''Aviation Security'';

''No'' on rollcall 273 on the Markey amendment numbered 10 printed in the CONGRESSIONAL RECORD to prohibit the use of funds in the bill to approve, renew or implement any aviation cargo security plan that permits the transportation of unscreened or uninspected cargo on passenger planes;

''No'' on rollcall 274 on the Velazquez amendment which sought to prohibit the use of funds from being used by the Federal Protective Service to replace any existing contract for security guard services with statewide contracts for security guard services;

''Yes'' on rollcall 275 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes;

''Yes'' on rollcall 276 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'';

''Yes'' on rollcall 277 passing the Helping Hands for Homeownership Act;

''Yes'' on rollcall 278 Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004.

COMMENDING LEXINGTON POLICE CHIEF MIKE ROTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I would like to commend a public servant of 31 years, Chief William M. (Mike) Roth of the Lexington, South Carolina Police Department. Under his leadership, the Lexington Police Department grew from a force of ten to thirty-one officers that currently serve a population of 16,000 citizens. His innovative approaches to criminal justice issues have resulted in the establishment of a full-time traffic unit, an Emergency Service (SWAT) Team, and the institution of Community-Oriented Policing.

Chief Roth was also personally responsible for the establishment of the Department's Investigative Division that includes a Child and Elder Abuse Investigator and a full-time Victims Advocate. Additionally, he was instrumental in the creation of such local school-based programming as School Resource Officers and DARE classes for elementary and middle school students.

Under Chief Roth's leadership, the Department received many awards and recognitions, developed and implemented the ''Adopt-a-Cop'' development, and contributed to the establishment of the Lexington Keeping Every Youth Safe (KEYS) after-school program.

His hands-on approach to law enforcement management and dedication to the community serves as an example for other police departments to follow.

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

RECOGNIZING TOMMY PILIOURAS AND THE MARGARITA GRILL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Ms. GINNY BROWN-WAITE of Florida. I rise today to recognize a patriotic small business owner in my district that I had the pleasure of meeting last week.

Tommy Piliouras of Citrus County owns and operates the Margarita Grill in Homosassa, Florida. I arrived at his restaurant to find a line of eager people happy to wait as long as necessary for a table in his restaurant. All customers receive an American flag, and patriotic music plays throughout the restaurant which is decorated in red, white, and blue.

Mr. Pilouras runs the Margarita Grill along with his son, Sammy. The two of them chat and interact with customers at their tables and lead the crowd in singing patriotic songs while everyone waves the American flag. For patrons unwilling to wave the American flag, the restaurant plays ''Hit the Road Jack'' long enough for them to take their business elsewhere.

Tommy Piliouras came to America in 1958 from his native country of Greece and is proud to be an American. He appreciates the American way of life that many take for granted. His sense of family, community, and hard work truly exemplify the American spirit. It is refreshing and comforting to see such grateful, proud Americans.

I am pleased to have such loyal, appreciative Americans living in the communities of my district, and I am honored to recognize Tommy Piliouras and the Margarita Grill on the floor of this House today.

HONORING RICHARD S. AGNEW

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, the stories of our veterans should be preserved for future generations. These accounts will serve as a valuable record of the price of freedom.

Richard S. (''Dick'') Agnew, of Plano, Texas is a shining example of the American veteran. He's dedicated fifty-seven years of patriotic service to our nation and his fellow veterans . . . all without much fanfare or tribute.

Well, today that's about to change as the country and the Congress say, 'Thank you.'

In 1947, Mr. Agnew enlisted in the U.S. Army and served proudly with Airborne Infantry units. He rose through the ranks and was commissioned through Officer Candidate School as a Second Lieutenant in 1952. He served in combat in Korea with the 40th Infantry Division in what was dubbed the bloody Heartbreak Ridge sector.

On the night of July 19, 1953, Lieutenant Agnew engaged in hand-to-hand combat with enemy soldiers deep behind enemy lines. For his extraordinary heroism in that engagement, he was awarded the U.S. Army's Distinguished Service Cross, our nation's second highest award for valor, and the Purple Heart medal for the wounds he sustained in that life-and-death struggle. Dick Agnew endured what people today only watch in movies.

Promoted to Captain while on active duty, Agnew later attained the rank of Major in the U.S. Army Reserve. After he left active duty, Mr. Agnew attended Suffolk University in Boston, MA, from 1961–1964. He graduated Cum Laude in the top 3% of his class with a Bachelor of Science degree in Business Administration. A successful career in business ended with his retirement in 1996.

Mr. Agnew has devoted his life to promoting patriotism and improving the quality of life of his fellow veterans. He is the North Texas Commander of the Legion of Valor, a national organization chartered by Congress, whose members were awarded the Medal of Honor; also the Distinguished Service Cross, Navy Cross, and Air Force Cross.

It is a tremendous honor to recognize an unsung hero like Dick Agnew. You know, there was an inscription on the wall where I was held captive as a Prisoner of War in Vietnam—and I think it sums up Dick Agnew's experience. It read—Freedom has a taste to those who fight and almost die for it that the protected will never know. Dick Agnew knows about freedom. Dick Agnew loves that freedom. And Dick Agnew loves America.

God bless him and God bless America.

I'd like to insert his medal citation into the CONGRESSIONAL RECORD.

AWARD OF THE DISTINGUISHED-SERVICE CROSS

By direction of the President, under the provisions of the Act of Congress approved 9 July 1918 (WD Bul 43, 1913), and pursuant to authority in AR 600–45, the Distinguished-Service Cross for extraordinary heroism in action is awarded in the name of the Commander-in-Chief, Far East, to:

First Lieutenant RICHARD S. AGNEW, 01925377, Infantry, United States Army. Lieutenant AGNEW, a member of an infantry company, distinguished himself by extraordinary heroism in action against the enemy in the vicinity of Mundung-ni, Korea. On the night of 19 July 1953, Lieutenant AGNEW, was serving as the leader of a combat patrol operating far ahead of the United Nations main line of resistance when he and the assistant patrol leader fell from a cliff. Although his ankle was painfully injured and he was in enemy territory, Lieutenant AGNEW ordered the patrol to return to friendly lines and establish plans to rejoin allied forces the following evening. The following night, Lieutenant AGNEW and his comrade scaled the cliff and proceeded toward United Nations territory. When challenged by an enemy soldier, Lieutenant AGNEW fearlessly hurled a hand grenade. He was wounded and separated from his companion when the enemy retaliated with a hail of small arms and grenade fire. Confronted by an enemy soldier armed with a knife, Lieutenant AGNEW ignored his weakened condition, engaged him in hand to hand combat and killed him with his own weapon. Hearing other enemy forces advancing, Lieutenant AGNEW then pulled the pin on his remaining hand grenade and tied it to his hand before falling to the ground in exhaustion. He was later found in a semi-conscious condition by a United Nations patrol. The extraordinary heroism exhibited by Lieutenant AGNEW on this occasion reflects great credit on himself and is in keeping with the finest traditions of the military service. Entered the Federal service from Massachusetts.

IN HONOR OF GIRLS INC.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor the achievements of Girls Inc. on the celebration of its 50th Anniversary.

Girls Inc. is a nonprofit youth organization dedicated to providing important educational programs to young women, particularly those in high-risk, underserved areas. Throughout the years, Girls Inc. has been a key influence in the lives of millions of Americans and it has helped many wonderful young Delawareans achieve their hopes and dreams.

The programs of Girls Inc. work to improve math and science education, drug abuse prevention, media literacy, economic literacy, adolescent health, violence prevention, and sports participation. In addition, Girls Inc. promotes health and safety initiatives through programs such as "Will Power/Won't Power," which addresses teen pregnancy and "Action for Safety," which teaches teens to become advocates for issues affecting young women. It also hosts outreach programs that are designed for young women who live in public housing.

During the past 50 years, Girls Inc. has done much to address critical issues facing young women across the nation. In Delaware, the important work of Girls Inc. should not go unnoticed. Mr. Speaker, I commend and congratulate Girls Inc. for their dedication to improving and enhancing the lives of women. Its contribution in Delaware should serve as an example to us all.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote Nos. 276, 277, and 278. If present I would have voted "yea" on rollcall vote Nos. 276, 277, and 278.

ATTORNEY GENERAL ASHCROFT POLITICIZES THE WAR ON TERRORISM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. CONYERS. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD the attached column by Paul Krugman in today's New York Times. Mr. Krugman describes how the Attorney General has politicized the war on terrorism.

[From the New York Times, June 22, 2004]

NOONDAY IN THE SHADE

(By Paul Krugman)

In April 2003, John Ashcroft's Justice Department disrupted what appears to have been a horrifying terrorist plot. In the small town of Noonday, Tex., F.B.I. agents discovered a weapons cache containing fully automatic machine guns, remote-controlled explosive devices disguised as briefcases, 60 pipe bombs and a chemical weapon—a cyanide bomb—big enough to kill everyone in a 30,000-square-foot building.

Strangely, though, the attorney general didn't call a press conference to announce the discovery of the weapons cache, or the arrest of William Krar, its owner. He didn't even issue a press release. This was, to say the least, out of character. Jose Padilla, the accused "dirty bomber," didn't have any bomb-making material or even a plausible way to acquire such material, yet Mr. Ashcroft put him on front pages around the world. Mr. Krar was caught with an actual chemical bomb, yet Mr. Ashcroft acted as if nothing had happened.

Incidentally, if Mr. Ashcroft's intention was to keep the case low-profile, the media have been highly cooperative. To this day, the Noonday conspiracy has received little national coverage.

At this point, I have the usual problem. Writing about John Ashcroft poses the same difficulties as writing about the Bush administration in general, only more so: the truth about his malfeasance is so extreme that it's hard to avoid sounding shrill.

In this case, it sounds over the top to accuse Mr. Ashcroft of trying to bury news about terrorists who don't fit his preferred story line. Yet it's hard to believe that William Krar wouldn't have become a household name if he had been a Muslim, or even a leftist. Was Mr. Ashcroft, who once gave an interview with Southern Partisan magazine in which he praised "Southern patriots" like Jefferson Davis, reluctant to publicize the case of a terrorist who happened to be a white supremacist?

More important, is Mr. Ashcroft neglecting real threats to the public because of his ideological biases?

Mr. Krar's arrest was the result not of a determined law enforcement effort against domestic terrorists, but of a fluke: when he sent a package containing counterfeit U.N. and Defense Intelligence Agency credentials to an associate in New Jersey, it was delivered to the wrong address. Luckily, the recipient opened the package and contacted the F.B.I. But for that fluke, we might well have found ourselves facing another Oklahoma City-type atrocity.

The discovery of the Texas cyanide bomb should have served as a wake-up call: 9/11 has focused our attention on the threat from Islamic radicals, but murderous right-wing fanatics are still out there. The concerns of the Justice Department, however, appear to lie elsewhere. Two weeks ago a representative of the F.B.I. appealed to an industry group for help in combating what, he told the audience, the F.B.I. regards as the country's leading domestic terrorist threat: ecological and animal rights extremists.

Even in the fight against foreign terrorists, Mr. Ashcroft's political leanings have distorted policy. Mr. Ashcroft is very close to the gun lobby—and these ties evidently trump public protection. After 9/11, he ordered that all government lists—including voter registration, immigration and driver's license lists—be checked for links to terrorists. All government lists, that is, except one: he specifically prohibited the F.B.I from examining background checks on gun purchasers.

Mr. Ashcroft told Congress that the law prohibits the use of those background checks for other purposes—but he didn't tell Congress that his own staff had concluded that no such prohibition exists. Mr. Ashcroft issued a directive, later put into law requiring that records of background checks on gun buyers be destroyed after only one business day.

And we needn't imagine that Mr. Ashcroft was deeply concerned about protecting the public's privacy. After all, a few months ago he took the unprecedented step of subpoenaing the hospital records of women who have had late-term abortions.

After my last piece on Mr. Ashcroft, some readers questioned whether he is really the worst attorney general ever. It's true that he has some stiff competition from the likes of John Mitchell, who served under Richard Nixon. But once the full record of his misdeeds in office is revealed, I think Mr. Ashcroft will stand head and shoulders below the rest.

LET'S MAKE AMERICA'S INFRASTRUCTURE A PRIORITY BEFORE IRAQ'S

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. RAHALL. Mr. Speaker, clean water is again flowing into the Tigris River thanks to the U.S. Taxpayer and the good people from my home State of West Virginia. How grand, how good, how generous the Cheney-Bush bunch can be, until it comes to investing between America's shores.

Yes, health and welfare is on the mend from Baghdad to Kirkuk, but for our communities in Southern West Virginia, this Administration has no money.

I recommend to my colleagues a story on the front page of the New York Times this past Saturday by James Glanz. According to the article this project has been cloaked in secret for security reasons. I agree, it's for security alright, to secure the Cheney-Bush reelection. They don't want the American people to know that they build in Baghdad while we weep in Appalachia for clean streams, a healthy environment, and a safe harbor for our children.

Last week, another decision was made to deny the people of West Virginia, and of Appalachia, clean water, better health and education, as the House Appropriations Committee voted to cut the Appalachian Regional Commission's (ARC) funding by 40 percent following on the heels of an effort by the Cheney-Bush boys last year to cut it by 50 percent.

Apparently the Cheney-Bush bunch, including their cronies in Congress, don't think twice about sending $4 billion to Iraq for their water infrastructure needs, but are unwilling to provide the ARC less than 1/100th of that amount for services that do the same and more for West Virginia.

I can name a few better places to spend our taxpayers money.

In Raleigh County, just one of our wastewater projects is going to cost $22.5 million to serve 1200 new customers in the Glen Daniel/Fairdale area. This is a matter of public health, of bringing in new jobs, fueling the economy. Where is the money for that program?

Greenbrier Valley Airport in Lewisburg is 35 years old, and in need of a new terminal. The upgrade is expected to cost $15 million. Where is the money for Lewisburg?

Greenbrier Valley Airport's parking apron used for housing aircrafts, also needs a $10

million upgrade. Due to lack of funding availability, this project has already been broken into six phases in the hope of completing it. But where are funds for these phases?

In Wyoming County, $1 million is needed for a water project to serve 200 customers in the Crouch Farm area who presently have no water service at all. Where is their money?

The Cheney-Bush bunch wants to rebuild the oilfields of Iraq and expect the coalfields of West Virginia to pay for it. West Virginians are told by this Administration and this Congress that we can't afford to meet our wastewater needs, not when we're investing in other countries rather than our own.

What in the dickens is going on here, Mr. Speaker? I recall our not too distant history, when this Nation was able to fight and win a world war, rebuild the western European continent, and Japan to boot, and college educate a generation of Americans who fueled the greatest economic boon to which the world had never laid witness.

Now the Cheney-Bush bunch and the House leadership tell us again and again, there is no room for investment in America, and that the American people must take a back seat to the citizens of Baghdad.

I say no more. This Administration continues to show indifference to our Nation's infrastructure needs, including threatening to veto a highway bill that will bring over $2 billion to my home State of West Virginia, money we need to build roads in a mountainous terrain.

Mr. Speaker, I recall—shortly after the bombs fell in Baghdad and the President pledging that America would rebuild Iraq—on a trip back home, folks in an economically hard hit county in West Virginia, in all seriousness, asked me to tell the President to send the bombers to them, so then they could apply for help from America.

It was a sad moment for me, Mr. Speaker, even sadder for America.

COMMEMORATING DR. DAVID WERNER'S LONG CAREER IN EDUCATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Dr. David Werner's 36 years of service to students and colleagues at Southern Illinois University at Edwardsville.

David Werner first came to SIUE as a faculty member in the School of Business. He would go on to serve as Dean of the School of Business, and eventually, Provost and Vice Chancellor for Academic Affairs. Effective September 1, 1997, Dr. Werner was named Chancellor of SIDE.

In addition to his position at SIUE, Dr. Werner serves as an advisor and board member for groups such as the Southwestern Illinois Higher Education Consortium and the Board of Governors of the Illinois Council on Economic Education.

On June 30 of this year, Dr. Werner will retire as Chancellor of SIUE, bringing an end to nearly four decades of devotion to higher education in southern Illinois. As an educator, I share the same passion for teaching and nurturing the next generation, and I wish to not only commend Dr. Werner for his dedication, but to thank him for his commitment to excellence through education.

RECOGNITION OF MICHAEL J. ATTARDI IN APPRECIATION FOR A LIFETIME OF DEDICATION AND FRIENDSHIP TO THE COMMUNITY OF LONG BRANCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. PALLONE. Mr. Speaker, I rise today in recognition of the late Michael J. Attardi, a dear friend to the sixth district of New Jersey. Mr. Attardi, a resident of Long Branch, was a well-known figure throughout his community. He will be sorely missed by family, friends, and neighbors.

Michael Attardi was a truly remarkable neighbor for Long Branch. While he was born in Neptune, he lived within the neighborhood of Long Branch for the past sixty-eight years. Throughout his lifetime, Mr. Attardi was well regarded for his prowess on the football field. His greatest high school success was to lead the "Green Wave" of Long Branch High School to a state football championship. Known as "Iron Mike" to his close friends and family, Mr. Attardi was named to the first team All-State and All-County football teams quite an honor for any athlete.

Not only was Mr. Attardi triumphant on the field during high school, he also was a star football player at the Valley Forge Military Academy. His attendance at this academy allowed him to be named to the All-American Football team in 1954. After years had passed, the City of Long Branch and the State of New Jersey honored Mr. Attardi by electing him to the Long Branch Athletic Hall of Fame for his star abilities on the football field.

Aside from being an accomplished athlete, Mr. Attardi honorably served his country in the United States Army. He was well decorated in his eight years of service and received four medals as a Military Police officer. Perhaps his greatest accomplishments were his family, his marriage of forty-five years to Frances Tortoretti, their three children, and two grandchildren.

Mr. Speaker, once again, I am proud to acknowledge a truly great man for his dedication to family, community, and country. I ask that my colleagues join me in extending our sincerest condolences to the family of Mr. Michael J. Attardi. He will sorely be missed by everyone whose lives he touched.

A PROCLAMATION RECOGNIZING ANTHONY CHUNG-YI HO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Anthony Chung-Yi Ho has provided outstanding service and contributions while serving as the Senior Officer with the Taipei Economic Council and Cultural Representative and Senior Assistant to the Honorable C.J. Chen, Taiwan's chief representative in the United States; and

Whereas, Anthony Chung-Yi Ho graduated from the National Taiwan University and joined Taiwan's foreign service in 1994; and

Whereas, Anthony Chung-Yi Ho has worked diligently during his time in Washington, D.C., to improve the understanding of Taiwanese-American relations held by Members of the United States Congress and their staff; and

Whereas, Anthony Chung-Yi Ho's service has served his country loyally and worked to establish a lasting friendship between officials in the Taiwanese and United States government; and

Whereas, Anthony Chung-Yi Ho will be greatly missed once he returns to Taiwan with his family next month;

Therefore, I join with members of Congress and their staff in recognizing Anthony Chung-Yi Ho for his exceptional work and immense contributions, and wish him the very best in his future endeavors.

RECOGNITION OF DR. MARY JO OLDHAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to honor a distinguished educator from Southern Illinois on the occasion of her retirement. Dr. Mary Jo Oldham served the residents of Southeastern Illinois for 40 years, as an instructor, a division chair, a vice president and then President of Southeastern Illinois College in Harrisburg.

Dr. Oldham began her career as an instructor at North Gallatin Community Unit High School in 1964. She moved on to Harrisburg High School, before taking a job at Southeastern Illinois College. Dr. Oldham has been deeply committed to the philosophy of the comprehensive community college, and has always been a strong advocate for the Illinois community college system. She has worked with a variety of grant projects, most of which were focused on curriculum development and the use of alternative delivery systems at SIC. In 2000, she became the fourth President of Southeastern Illinois College.

Dr. Mary Jo Oldham is a native of Shawneetown, Illinois. She resides in Shawneetown with her husband, Larry Morgan, a farmer. It is an honor to pay tribute to Dr. Oldham for her years of service to the people of Southeastern Illinois. She will be missed, but I want to wish her and her family a very happy and well-earned retirement. Dr. Oldham's career will serve as a model for community college administrators for years to come.

RECOGNITION OF CONTINENTAL SOCIETIES INCORPORATED AND THE CELEBRATION OF THEIR 49TH ANNUAL CONCLAVE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. PALLONE. Mr. Speaker, I rise today to praise the accomplishments of Continental Societies Incorporated as they are on the eve of their 49th Annual Conclave. This national organization of women has provided distinguished service to children for nearly half a century.

Started in 1956, Continental Societies began with a vision of providing resources for and supporting the welfare of children with special needs. As a result of engaged and avant-garde leadership, the organization blossomed and was able to spread its message across the nation. Today, Continental Societies has approximately 1,000 dedicated and noble women who serve its 49 chapters.

Among their many successes, perhaps the most noteworthy is their 1972 campaign titled ''Operation Awareness: HEER'' (Health, Education, Employment, Recreation). Having recognized these four areas as essential to young people, Continental Societies initiated a variety of programs to combat deficiencies in these four segments of youth life. In 1977, they added Arts and Humanities as another aspect of their endeavor.

To this day, Continental Societies remains steadfast in its commitment to improving the quality of life for children across the United States. As National President Tonya Greenwood—a fellow New Jerseyan—gavels in another chapter in their history, I once again, ask that my colleagues join me in congratulating and thanking this illustrious organization for their many years of service.

CONGRATULATIONS TO THE 2004 ELLIS ISLAND MEDALS OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate the 2004 Ellis Island Medals of Honor recipients. The Ellis Island Medal of Honor commemorates and recognizes Americans of different ethnic backgrounds who have made a significant contribution to our society. These medals have been aptly named for Ellis Island, an endearing symbol of the immigrant roots and diversity that characterizes our great Nation.

When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States in just its first day of operation. By the time the center closed in 1954, 17 Million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,000 people per day. Many of these newcomers had little to no knowledge of English, hardly any money, and many arrived with only the clothes on their backs. They arrived risking their lives in exchange for freedom and a better way of life.

America has always been a haven for immigrants from all over the world who have come to our shores with a common desire to forge a new life in a land of opportunity, liberty, and freedom—freedom from religious, economic, political or ethnic persecution. The Ellis Island Medal of Honor was created in 1986 to honor those individuals who through their own perseverance, sacrifice and success, helped build our great Country. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. Six American Presidents, several Senators, Congressmen, Nobel Prize winners, distinguished athletes, artists, clergy, military leaders, and others from all walks of life have been past recipients of this distinguished award.

Presented annually by the National Ethnic Coalition of Organizations (NECO), an umbrella group of more than 250 organizations that spans the spectrum of ethnic heritages, cultures and religions, the 2004 Ellis Island Medal of Honor recipients are once again a remarkable collection of individuals who have distinguished themselves as outstanding human beings and citizens of the United States. I once again commend NECO and its Chairman of the Board, my good friend William Denis Fugazy, for honoring these outstanding individuals, and for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation.

Mr. Speaker, I hope that all of my colleagues will join me in recognizing the good works of NECO, and congratulate all of the 2004 Ellis Island Medals of Honor recipients. I would like to have the text of NECO's press release on the May 15th award ceremony, and the names of this year's recipients, placed into the CONGRESSIONAL RECORD following my statement.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY

ELLIS ISLAND, NY, May 15—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting Ceremony.

This year's event, whose date coincided with Armed Forces Day, was dedicated to the men and women of our armed forces. We would like to pay special tribute to the individuals serving in the U.S. armed forces both here and abroad. Several of the Medalists also serve in the armed forces; many more are honored veterans.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, the recipients received their awards in the shadow of the historic Great Hall, where the first footsteps towards a new life were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

''Today we honor great Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations,'' said NECO Chairman William Denis Fugazy. ''In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity.''

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 2000 American citizens have received medals.

NECO is the largest organization of its kind in the U.S., serving an umbrella group of over 250 ethnic organizations. Its mandate is to preserve ethnic diversity; promote ethnic and religious equality, tolerance and harmony; and to combat injustice, hatred and bigotry. NECO has an additional humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has founded The Forum's Children Foundation, which brings children in need of life-saving surgery from developing nations to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

Past Ellis Island Medal of Honor recipients include six presidents, entertainers, athletes, entrepreneurs, artists, members of the clergy, business executives, Nobel Prize winners and military leaders. Muhammed Ali, Frank Sinatra, Coretta Scott King, Generals Norman Schwarzkopf and Colin Powell, Dr. Michael DeBakey, Bob Hope and Elie Wiesel are some of the distinguished citizens who have received the Ellis Island Medal of Honor.

CONGRATULATIONS TO THE 2004 ELLIS ISLAND MEDALS OF HONOR RECIPIENTS.

Naji N.Abumrad, M.D. FACS., Chairman—Dept. of Surgery, Vanderbilt University Lebanese; Reem Acra, Fashion Designer, Lebanese; Arthur C. Anton, Chairman, Anton's Cleaners, Inc., Hellenic; Hon. Armand Arabian, Attorney, Arms Providers, Inc., Armenian; Lee Archer, Lt. Col. (Ret), Tuskegee Airmen/WWII, African; Garo H. Armen, Ph.D., Chairman & CEO, Antigenics, Armenian; Alfred S. Austin, CEO, A.S. Austin Company, Inc., English/German; Endre Alexander Balazs, Chairman, Matrix Biology Institute, Hungarian/Swedish; Dr. Mark L. Barbasch, Physician/Humanitarian, Polish/Israeli; John Berberian, President, Jon's Market Place, Armenian; Nicholas Peter Bissias, President & CEO, Conrad's/Cable's Corporations, Hellenic; Ernest Borgnine, Oscar Winning Actor, Italian; Doug Brooks, President & CEO, Brinker International, Ger/Eng/Ire/Scot; Wayne H. Brunetti, Chairman & CEO, Xcel Energy Inc., Italian; John P. Cahill, Secretary to the Gov, NYS Executive Chamber, Irish; Dr. George Peter Canellos, Prof. Of Medicine, Harvard Medical School/Dana-Farber Cancer Inst., Hellenic; Arcadio Casillas, President & CEO, Preferred Compensation Corp., Cuban; Anthony N. Charaf, Senior Vice President, Delta Airlines, Lebanese; Nicholas E. Chimicles, Senior Partner, Chimicles & Tikellis LLP, Hellenic; Henry L. Chung, Former President, Chinese Consolidated Benevolent Association, Chinese; RADM Vivien S. Crea, Commander, U.S. First Coast Guard District, German/Eng/Scottish; Haig R. Dadourian, President, Dadourian Export Corp, Armenian; Mario Daniele, Vice President, Robert Shulman Institute, Italian; John A. Daskalakis, Managing General Partner, JonCin & Sons, Ltd., Hellenic; His Eminence Archbishop Demetrios, Primate, Greek Orthodox Church of Amer., Hellenic; Charles Duval, President, Data Industries Ltd., African/French; Fawaz

Hellenic; His Eminence Archbishop Demetrios, Primate, Greek Orthodox Church of Amer., Hellenic; Charles Duval, President, Data Industries Ltd., African/French; Fawaz El Khoury, President, CMRK, Inc., Lebanese; Spyros Enotiades, Vice President, Clive Christian Dallas/Creative Design Cos., Hellenic/Cypriot; Jeronimo M. Esteve, President, Headquarter Toyota, Cuban; Thomas P. Fahey, Asst. Chief, NYC Police Department, Irish; Richard D. Fain, Chairman & CEO, Royal Caribbean Cruise Ltd., Lithuanian; Joseph R. Ficalora, President & CEO, New York Community Bank, Italian; Michael Ryan Flatley, ''Lord of the Dance,'' Irish; Kenneth Frangadakis, DDS, Cupertino Dental Group, Hellenic; Charles Patrick Gallagher, Chairman & CEO, Gallagher Enterprises, LLC, Irish/German; Major Gen. Jon A. Gallinetti, Commander, AA, Marie Corps Air Bases Western Area, German/Italian; William (Josh) Gaspero, Writer/Publisher, Italian/English; Francesco Giambelli, Restauranteur, Italian; Robert Giannelli, Assistant Chief, Chief of Detective's Office—NYPD, Italian; Edmund Giegerich M.D., Exec. V.P. Medical Affairs, Long Island College Hospital, German/Italian; Sidney A. Goodman, Partner, The Goodman Group, Russ/Romanian/Lithuanian; Steven H. Grapstein, CFO, Kuo Investment Co., Polish/Russian; Dr. Michael Grasso III, Chairman, Dept of Urology, St. Vincent's Medical Center, Italian; Richard Greco, Acting Dir. Private Sector Dev., Coalition Provisional Authority, Italian; Pierson M. Grieve, Chairman & CEO, Ecolab, Inc., Scottish/Eng/French; J. Barry Griswell, Chairman, President & CEO, Principal Financial Group, Inc., English/German; Edward Grzedzinski, CEO, Nova Information Systems, Polish/Italian; George E. Hall, President, Clinton Group, Inc., Irish/Scottish; William D. Harris, CEO, 2004 Republican Nat'l Convention, English/Welsh; Thomas L. Harrison, Chairman & CEO, Diversified Agency Services Div., German/Irish; Roberto R. Herencia, President, Banco Popular North America, Puerto Rican; A. Barry Hirschfeld, President, A.B. Hirschfeld Press, Russian; Arlene Hirschfeld, Community Volunteer/Leader, Hung/Palestinian/Russ; Carole S.Hochman, Chairman & President, Carole Hochman Designs Inc., Russian/Latvian; Diarmuid M. Hogan, President & CEO, Global Excess Partners LLC, Irish; Stanley S. Hubbard, Chairman, Hubbard Broadcasting Inc., English/Norwegian; Lt. Gen. Charles L. Johnson, II, Commander, Electronics Systems Center, Irish/Italo/English; Barbara McNeill Jordan, Chairman, Claneil Enterprises Inc., Scottish/English; Nicholas P. Koutsomitis, President, Koutsomitis Architects PC, Hellenic; Charles LaGanga, Managing Director, Direct Access Partners, LLC, Italian; Margaret K. Lam, President & CEO, Prosperity Resources Inter., Chinese; Richard John Lanigan, Secretary-Treasurer, Office & Prof Employees IU, Irish; Lawrence P. Lataif, Esq., President, Lataif & Associates, Lebanese; Frederick S. Lee, Chairman, Global Institute of Finance & Banking, Korean; Patrick J. Lynch, President, Patrolmen's Benevolent Assoc., Irish; Dr. Muhammed Majeed, Founder & CEO, Sabinsa Corporation, Asian Indian; Sam Maloof, President, Sam Maloof Woodworker Inc., Lebanese; Steve A. Manta, Manta Industrial, Inc., Hellenic; Sandra March, Trustee, United Federation of Teachers, Romanian/Russian; Sal Marchiano, Sportscaster, WPIX–TV, Italian; Joseph A. Martinez, President, Dynaric Inc., Cuban; Patrick McDonough, Managing Director, Morgan Stanley, Irish/German; Jimmy Meng, President, Queens Lumber Co., Chinese; Frank Mercado-Valdes, President & CEO, Strategic Off Heritage Networks, Cuban/Puerto Rican/Jam; Michael J. Merlo, Sr. Vice President & Chief Credit Officer, Signature Bank, Italian; Steven Mintz, Chairman, Unifood Group of Companies, Russian/Polish; William M. Mooney, Jr., Senior Vice President, Independence Community Bank, Irish; Sam Z. Moore, Chairman & CEO, Thomas Nelson, Inc., Lebanese; Joseph M. Murphy, Chairman, Country Bank, Irish; LeRoy Neiman, Artist, Swedish; Mike North, Broadcaster, WSCR—670AM (The Score), Italian/Irish; Roger V.Ohanesian, MD, President & CEO, The Armenian EyeCare Project, Armenian; George Pappas, President, MCS Advertising Ltd., Hellenic; Thomas Passios, President & CEO, Pinnacle Associates, Hellenic; Thomas H. Patchell, General Secretary Treasurer, United Association of Plumbers & Pipefitters, Irish; Muriel Petioni, MD, President & CEO, Friends of Harlem Hospital Center, Caribbean; Edward Pinkowski, President & Founder, Pinkowski Institute, Polish; Joe Piscopo, Actor/Entertainer, Italian; Charles Louis Poulos, Entrepreneur/Civic Leader, Hellenic; Hon. Anthony J. Principi, Secretary of Veterans Affairs, Department of Veterans Affairs, Argentine/Italian; John Psarouthakis, Ph.D., Founder & President, J.P. International, LLC, Hellenic; Dr. Kristjan T. Ragnarsson, Dept. of Rehabilitation Medicine, Mount Sinai School of Medicine, Icelandic; Carmine F. Ragucci, Chairman, Worldwide Group, LLC, Italian; Gopal Raju, Chairman, Indian American Center for Political Awareness, Asian Indian; Maria Fiorini Ramirez, President/CEO, MFR, Inc., Italian; Lillian Roberts, Executive Director, District Council 37—AFSCME, AFL–CIO, African; Peter J.M. Romary, CEO, Tanner & Romary, PA, English/French; Dr. Horst Kurt Saalbach, Chairman, FESTO Corporation, German; John Salamone, Exec. Dir. & Chief Admin. Officer, NIAF, Italian/German; Edward P. Salzano, Executive VP/COO, LiDestri Foods, Italian; Stanley Selengut, President, Maho Bay Camps, Inc., Harmony, Concordia, Russian/Austrian; Joseph F. Seminara, Attorney, Kurzman, Karelson & Frank, Italian; Nancy A. Shamow, Ph.D, Executive Director, Ascent School, Russian; Woongkil Song, President, Fed. Korean Amer Assoc. Greater NY, Korean; Gus Stavropoulos, President, Wolverine Carbide Die Co., Hellenic; Carole Keeton Strayhorn, Texas Comptroller, State of Texas, Irish/Scottish; Garrett A. Sullivan, Ret. President & Vice Chair, Applied Digital Solutions, Irish; Stanley R. Szemborski VADM USN, Principal Deputy Director, Office Of The Secretary Of Defense, Polish; Hon. William B. Taylor Jr., Afghanistan Coordinator, US Department of State, Scottish/English; Sami E. Totah, President, Oxbridge Group, Syrian/Lebanese/Israeli; Sava S. Tshontikidis, President, Laurel Dodge, Inc., Turkish/Hellenic; Kaya Tuncer, Chairman & CEO, ESBAS Aegean Free Zone, Dev. & Oper. Co.—Turkey, Turkish; Col. Tom L. Tyrrell USMC (Ret), Exec. Director & CEO, Scottish/Native Amer.; Charles J. Urstadt, Chairman & CEO, Urstadt Biddle Properties Inc., German/Irish; Ronald L. Vaughn, PhD, President, The University Of Tampa, Irish/German; James G. Veras, Exec. VP Emeritus, World Environment Center, Hellenic; Raghavendra R. Vijayanagar, MD, Director, Heart Institute Regional Medical Center, Asian Indian; John P.Volandes, Co-Founder & Director, Volmar Construction, Inc., Hellenic; Gus M. Vratsinas, Chairman & CEO, VCC, Hellenic; John P. Walsh, Chairman & CEO, Irish American Cultural Institute, Irish; Gerri Warren-Merrick, Vice Pres. Corp. Community Relations, Time Warner, African; Col. Kewyn L. Williams, Commander, US Army Garrison, African; Rev. Canon Frederick Boyd Williams, Rector, Episcopal Church of the Intercession, African/Native Amer. (Cherokee) Eng/Scottish; Warner Wolf, TV Sports Broadcaster, Polish/English; Allen Wu Esq., Chairman, Wu & Kao, P.L.L.C., Chinese; Jay S. Yadav, M.D., Director, Vascular Intervention, Cleveland Clinic Foundation, Asian Indian; Jon H. Yeung, Chairman & CEO, Youngtech, Inc., Chinese; Dae Kun Yoo, President & CEO, Y.S. Farm Country, Korean; Kiyoon Yoon M.D., Physician/Community Leader, Korean; Mike S. Zafirovski, President & COO, Motorola, Inc., Macedonian; Barry L. Zaret, M.D., Chief Cardiovascular Medicine, Yale University School Of Medicine, Russian/Austrian; Frederick A. Zito, Aerospace Engineer (Ret.), NASA, Italian.

WESTERVELT CENTENNIAL RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the village of Westervelt, as she celebrates her centennial. Established in 1904, the people of Westervelt have given much to the United States of America.

The village of Westervelt was named after Dr. J.C. Westervelt, who provided advice to many citizens on how to live happy and healthy lives. Since the founding of the village, many citizens have been blessed to call Westervelt home. This is true as well for Dr. Westervelt, who lived there until 1955, when he passed away at the age of 100.

I am proud to represent the people of the village of Westervelt and to share in this special occasion with them. I thank them for all they give to this great Nation and wish them continued success in years to come. Congratulations.

RECOGNIZING THE 150TH ANNIVERSARY OF THE CITY OF ANNA, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the sesquicentennial of one of the oldest communities in southern Illinois, Anna.

The city of Anna, Illinois, was platted as a community in 1853 by Winstead Davie. Anna was named for Mr. Davie's wife, who was one of the children of Mrs. Nancy Willard, an early settler of Jonesboro, Illinois. Anna was planned with the coming Illinois Central Railroad line in the area.

In 1857, business and commerce came to Anna with the Anna Quarry, which has produced crushed rock, lime and building stone ever since. The stone produced in the quarry was used to build the Stinson Memorial Library and the First Presbyterian Church in Anna. The library was designed by Walter Burley Griffin who was a student of famed architect, Frank Lloyd Wright. During the Civil War, Anna hosted Camp Dubois and was a major staging point for union activities in the western theatre of the war. During the famous Lincoln-Douglas Debates held in the fall of

1858 in Jonesboro at the Union County Fairgrounds, Abraham Lincoln stayed in a house on Main Street in Anna, Illinois

In 1873, the Anna Mental Health Center opened providing employment for many residents throughout the region. The business section of Anna, which had been building up for two decades since the city's founding, suffered two major fires, one in 1876 and the other in 1879.

The Anna Fair was organized in December of 1879 and has come to be known as one of the top county fairs in Illinois. Held in August, the fair features horse racing, produce exhibits, livestock shows and other events.

Walter Willard and Rev. William Faris were responsible for opening the Union Academy, a private school, in 1883. For nearly 35 years the Union Academy served as an educational institution for many leaders in the area. In 1916, the Academy closed and the property came into the ownership of the high school.

Early Anna industries include Anna Pottery, known for its high quality work and the Flora Temple Mills, where flour was produced. Anna Pottery started operations in 1859 by C & W. W. Kirkpatrick, two Ohio brothers who migrated to the area. Clay found in area soils, together with the skill of the potters, brought fame and prestige to Anna Pottery. The brothers produced crocks, jugs and sewer tiles.

While the pottery facility closed in 1900, the one-of-a-kind items that were produced are considered folk art and fetch very high prices at auctions. Anna or Kirkpatrick Brothers pottery is one of the most sought after ceramics today.

Tobacco was processed in Anna from 1862 to 1870. Fruit and vegetables have also been important to the Anna economy since 1860. Apples and peaches are the chief commodities of the region and these fruits are marketed and sold to major metropolitan area markets. Anna was also home to a large Farmer's Market, built in 1934 to accommodate these products, the Anna City Hall now sits where the market once stood.

Anna is only a mile away from its sister city, Jonesboro, the seat of Union County, Illinois. Anna is a community rich in tradition and continues to serve as a major agricultural center for southern Illinois.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of Anna, Illinois on the occasion of its 150th Anniversary.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Ms. MAJETTE. Mr. Speaker, on June 21, 2004 I was not able to be here for three rollcall votes.

On rollcall No. 276 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,'' I would have voted ''yea.''

On rollcall No. 277 regarding H.R. 4363, to facilitate self-help housing homeownership opportunities, I would have voted ''yea.''

On rollcall No. 278, regarding H. Res. 660, congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Friday, June 18th, and Monday, June 21st, due to an unavoidable commitment. Had I been present, I would have voted the following way:

On rollcall vote 267, the Jackson-Lee amendment to H.R. 4567, ''aye'';

On rollcall vote 268, the DeLauro amendment to H.R. 4567, ''aye'';

On rollcall vote 269, the Roybal-Allard amendment to H.R. 4567, ''aye'';

On rollcall vote 270, the Tancredo amendment to H.R. 4567, ''no'';

On rollcall vote 271, the Maloney amendment to H.R. 4567, ''aye'';

On rollcall vote 272, the Sabo amendment to H.R. 4567, ''aye'';

On rollcall vote 274, the Velázquez amendment to H.R. 4567, ''aye'';

On rollcall vote 275, H.R. 4567, the FY05 Homeland Security Appropriations bill, ''aye'';

On rollcall vote 276, H. Res. 591, expressing the gratitude of the House for the contributions made by America's community banks, ''aye'';

On rollcall vote 277, H.R. 4363, the Helping Hands for Homeownership Act, ''aye''; and

On rollcall vote 278, H. Res. 660, congratulating Randy Johnson, ''aye.''

TRIBUTE TO LIEUTENANT COLONEL GEFFREY L. COOPER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Geffrey L. Cooper, the Commanding Officer of the 2nd Battalion, 23rd Marines, for his extraordinary leadership and bravery in action against enemy forces. He has shown strength and courage throughout his many years of heroic service with the United States Marine Corps.

A native of Aurora, Illinois, Lt. Col. Geffrey L. Cooper is married to June Madsen, and is the father of three daughters, Jennifer, Jessica and Jacalyn. He graduated from the Marine Corps Recruit Depot in San Diego in November, 1973 and has since had a long and successful military career. In 1980, Lt. Col. Cooper was commissioned as Second Lieutenant upon his graduation from St. Cloud State University in Minnesota. In 1980, he was also assigned to 2nd Battalion, 7th Marine Regiment and served as an infantry platoon commander. He was appointed to Infantry Training School at Camp Pendleton, and served as Assistant Officer in Charge from 1983–1986. In 1986, he was assigned as Commanding Officer of Company B, 3rd Light Armored Vehicle Battalion.

Lt. Col. Cooper proved to be a strong leader as the Operations Officer for Headquarters Battalion, 3rd Marine Division, and as Commanding Officer, Headquarters Company, 4th Marine Regiment, Okinawa, Japan. After leaving active duty in 1992, he joined the Individual Mobilization Detachment, Tactical Training Evaluation Control Group (IMADET). He served as the head IMADET representative for more than 75 combined arms exercises. In 2003, he was again activated and assumed command of 2nd Battalion, 23rd Marines Regiment in support of Operation Noble Eagle at Camp Pendleton.

Lt. Col. Cooper, along with the entire 2nd Battalion, 23rd Marines, was activated on February 23, 2002 and was deployed in February 2003. Nine hundred members of this Marine Forces Reserve Unit, combined with the I Marine Expeditionary Force (MEF), conducted the longest series of synchronized combined arms and overland attacks in the history of the Marine Corps. The 800 kilometer advance, which began at the border between Kuwait and Iraq, experienced heavy combat with continued hostilities to the North of Baghdad. The combined combat force successfully destroyed nine Iraqi Divisions.

The battlefield swiftness of the I MEF during its campaign was unmatched by any force to date. The success of the operation was due to valiant efforts of men and women such as Lt. Col. Cooper. Lt. Col. Cooper's many accomplishments are indicated by his many decorations, which include: Navy Marine Corps Medal, Meritorious Service Medal, Navy Achievement Medal with gold star in lieu of second award, Combat Action Ribbon and the Good Conduct Medal.

Mr. Speaker and distinguished colleagues, please join me in saluting Lt. Col. Cooper's exceptional leadership in the 2nd Battalion, 23rd Marine Regiment. Also, I ask you to join me in wishing future success to Lt. Col. Geffrey L. Cooper at his new Command, the 1st Marine Division, Camp Pendleton.

RECOGNIZING SEPTEMBER 2004 AS NATIONAL LIFE INSURANCE AWARENESS MONTH

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce a resolution that will designate September 2004 as ''National Life Insurance Awareness Month.'' I want to thank my friend PAUL KANJORSKI, the Ranking Member of the Financial Service Committee, for introducing this resolution with me and for his support on this important issue.

Today only four in ten adult Americans own an individual life insurance policy. And among those who do have life insurance, the amount often is too small to safeguard the financial future of their loved ones. As a result of insufficient coverage, family members often are forced to work extra jobs or longer hours, borrow money, or move to less desirable housing. These outcomes attest to the ''crisis of underinsurance'' that exists in our nation today.

Losing a family member is painful enough without it being compounded by financial difficulties. The goal of ''Life Insurance Awareness Month'' is to educate Americans about

will be spared the economic hardships that often accompany tragedy.

I ask my colleagues to join me in support of designating September 2004 as ''Life Insurance Awareness Month,'' and I yield back the balance of my time.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Mr. EMANUEL. Mr. Speaker, due to a family commitment, I was not present in the chamber on Friday, June 18 to cast my votes on rollcalls 267 through 275. Had I been present, I would have voted ''yea'' on rollcall 267; ''nay'' on rollcall 268; ''yea'' on rollcall 269; ''nay'' rollcall 270; ''yea'' on rollcall 271; ''yea'' on rollcall 272; ''yea'' on rollcall 273; ''yea'' on rollcall 274; and ''yea'' on rollcall 275.

Due to unavoidable travel delays, I was not present in the chamber earlier today to cast my votes on rollcalls 276 through 278. Had I been present, I would have voted ''yea'' on each measure.

AMERICANS HAVE A RIGHT TO LIVE THEIR LIVES AND MAKE DECISIONS BEST FOR THEM

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to welcome all of my sharp, diverse female colleagues who are here tonight to speak on issues that affect women.

Right now, there are a myriad of anti choice legal efforts designed to undermine the basic tenets of Roe v. Wade. Never in my time in Congress have I seen so much misleading legislation geared towards women, court cases that refuse to vindicate our right to privacy, and so many blatant anti choice judicial nominees.

Americans have the right to live their lives and make decisions that are the best for them and their children. We are falling down a slippery slope of having the government dictate our moral, ethical, and private decisions. There is a small, fundamentalist, religious group which is overexerting their influence on the way our government is being run, and we must immediately put a stop to it.

Marian Wright Edelman, the President and Founder of the Children's Defense Fund, said ''Justice is not cheap. Justice is not quick. It is not ever finally achieved.'' Looking out at this room of hopeful faces, I know that Justice can be achieved in our ''battle for reproductive freedom'' within our lifetime.

I am proud to be at the forefront of this battle, and I want to share some of my insight and strategy aimed at protecting a woman's right to choose.

I joined over a million people who believe that it is time to stand up for women's rights and demand a change in our administration on April 25, 2004 at the March for Women's Lives.

We marched because there is an attempt by our administration to undermine our fundamental rights. Women's health care includes reproductive services, access to contraception, and informed decisions made by individuals about their body, not their government.

My predecessor and longtime role model, Barbara Jordan, once said, ''We want to be in control of our lives. Whether we are jungle fighters, craftsmen, company men, gamesmen, we want to be in control. And when the government erodes that control, we are not comfortable.'' The government is trying to erode that control, and this is something we must come together to prevent.

Right now we have an Administration that actively seeks to undermine a woman's right to choose. They falsely claim to be doing this in the interest of women and children, citing both the mother and child's well being as justifications for their actions. This same Administration has frozen the Title X family-planning program in each budget for the last three years. They have also cut domestic-violence prevention programs and frozen important programs for women and children, including the Maternal and Child Health Block Grant, Head Start, and child-nutrition services.

By contrast, they have proposed more than doubling funding for unproven, dangerous ''abstinence-only'' programs that censor health information from young people—and instead of supporting programs that help women who face violence, they have resorted instead to exploiting the issue for an anti-abortion political base. President Bush signed the so-called ''Unborn Victims of Violence Act'' with a false claim of being in a woman's best interest. This legislation would, for the first time in federal law, recognize an embryo or fetus as a separate ''person'' with rights separate from, and equal to, a pregnant woman.

Raising awareness must be a high priority, younger and older generations in America must begin to take this threat very seriously. Our right to chose is at its most precarious point since over 31 years ago, when Roe vs. Wade was decided. Our message will be clear: we will not tolerate the persistent government attacks on women's health and reproductive rights.

I am pleased that for the first time in its 95-year history, the National Association for the Advancement of Colored People (NAACP) board of directors unanimously endorsed a pro choice march. The Black Women's Health Imperative has also signed on. These organizations are part of a growing majority that believe contraceptive education and abortion rights for black and minority women must be a priority. Unintended pregnancy rates for African-American women is almost three times the rate of Caucasian women, maternal mortality is 4 times higher for African-American women than Caucasians. One out of 4 African-American women had less involvement than they would like in decisions effecting their health care, with only 73 percent of African-American women receiving first trimester prenatal care.

By making abortion illegal, we are going to harm those who turn to back alleys and home remedies to ''fix'' their situation, a scenario faced disproportionately by minorities and the underprivileged. We cannot make abortion inaccessible, illegal, or shameful. We must stand up for women's rights and let them make informed choices.

After the March for Women's Lives, I thought we had begun to get our message across. It seems to have fallen on deaf ears. Last month, the Food and Drug Administration denied the application to make Plan B (emergency contraception) available for sale over-the-counter. This is an unprecedented intrusion of politics into science. Never has an administration so politicized an over the counter application, nor set aside the overwhelming recommendation of its panel of experts. Our administration would rather appeal to the far right than work to reduce the number of abortions. If over-the-counter availability of EC could prevent even ten percent of unintended pregnancies annually, it would result in 150,000 fewer abortions per year.

This decision stands in direct opposition to the administration's stated goal of reducing the number of abortions. Emergency Contraception is not an abortion. It is simply concentrated doses of the regular birth-control pill, taken soon after sex in order to prevent pregnancy. Emergency Contraception is not the same as RU 486, which terminates an already-established pregnancy. EC is safe and effective, and is not harmful if taken after a pregnancy has been established.

Over-the-counter sales would be particularly beneficial for sexual assault victims. According to scientific studies, approximately 25,000 women per year in the United States become pregnant as a result of rape. An estimated 22,00 of these pregnancies—or 88 percent—could be prevented if sexual assault victims had timely access to emergency contraception.

I hope that all of you are willing to take the step and be the voice to fight against this slippery slope. The battle for reproductive freedom is far from over. I want to close with a quote from one of our truly great female leaders, Susan B. Anthony, ''Men, their rights, and nothing more; women, their rights, and nothing less.''

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7117–S7202

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 2555–2560, and S. Res. 387–388. **Page S7174**

Measures Reported: S. 2559, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005. **Page S7174**

Measures Passed:

TANF AND Related Programs Continuation Act: Senate passed H.R. 4589, to authorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, clearing the measure for the President. **Pages S7200–01**

Hong Kong: Senate passed S.J. Res. 33, expressing support for freedom in Hong Kong, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7201–02**

Frist (for Feinstein) Amendment No. 3473, to express support for democratic activity in Hong Kong. **Pages S7201–02**

National Defense Authorization Act: Senate continued 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 S7120–62**

Adopted:

Burns/Ensign Modified Amendment No. 3457 (to Amendment No. 3235), to provide for consideration of additional factors in indecency penalties issued by the Federal Communications Commission. **Pages S7120, S7127–29**

By 99 yeas to 1 nay (Vote No. 134), Brownback Amendment No. 3464 (to 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 S7129**

Reid (for Dorgan) Amendment No. 3465 (to Amendment No. 3235), to increase FCC's authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming. **Pages S7129–30**

Reid (for Hollings) Amendment No. 3466 (to Amendment No. 3235), to protect children from violent programming. **Page S7130**

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 S7130**

By 54 yeas to 46 nays (Vote No. 135), Warner (for McCain) Amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197), in the nature of a substitute. **Pages S7131–34**

Levin (for Daschle) Modified Amendment No. 3329, to increase amounts provided under the Defense Health Program and RDT&E for the Army for research and development relating to leishmaniasis, the skin ailment resulting from parasitic sand flies in Iraq, and to provide an offset. **Page S7152**

Warner Modified Amendment No. 3433, to authorize, and authorize the appropriations of, $5,500,000 for military construction at F.E. Warren Air Force Base, Wyoming, and to provide an offset. **Pages S7152–53**

Levin (for Nelson (FL)) Modified Amendment No. 3234, to make available, from amounts for operation and maintenance for the Army, $10,000,000 for the Family Readiness Program of the National Guard, and to provide an offset. **Page S7153**

Warner Amendment No. 3430, to improve authorities under the alternative authority for acquisition and improvement of military housing. **Page S7156**

Warner (for Chambliss) Amendment No. 3293, to require a GAO analysis of the potential for using transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense. **Page S7156**

Levin (for Dayton) Modified Amendment No. 3333, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom,

Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism. **Page S7158**

Warner Amendment No. 3471, to increase the amount for RDT&E, Defense-Wide, to provide for joint threat warning system maritime variants, and to provide an offset. **Page S7153**

Levin (for Kennedy) Modified Amendment No. 3289, to provide an additional amount for the Department of Defense One Source counseling and referral hotline, and to provide an offset. **Page S7153**

Warner (for Lott/Cochran) Modified Amendment No. 3179, to set aside $3,000,000 of the RDT&E, Navy, funds for development and testing of the advanced Ferrite Antenna. **Pages S7132–33, S7153**

Levin (for Reed) Modified Amendment No. 3351, to increase by $5,000,000 the amount authorized to be appropriated for research, development, test, and evaluation, Navy, and to allocate the amount of the increase for Program Element PE 0604503N for a prototype littoral array system for operating submarines, and to provide an offset. **Page S7153**

Warner (for Santorum) Modified Amendment No. 3239, to increase by $5,000,000 the amount authorized to be appropriated for fiscal year 2005 for the Army for procurement for weapons and tracked combat vehicles for the purpose of procuring M109-based command-and-control vehicles or field artillery ammunition support vehicles. **Page S7153**

Levin (for Pryor) Modified Amendment No. 3264, to recognize the sacrifices of the members of the Armed Forces who are injured in combat. **Page S7153**

Levin (for Bayh) Modified Amendment No. 3157, to authorize an additional $2,000,000 for research, development, test, and evaluation, Defense-wide activities, for Advanced Manufacturing Technologies, and $3,000,000 for research, and to provide an offset for the amounts. **Pages S7153–54, S7152**

Warner Amendment No. 3429, to provide exceptions to the bilateral agreement requirement for transfers of defense items to the United Kingdom and Australia. **Pages S7153–54**

Levin (for Daschle/Frist) Modified Amendment No. 3327, to require a report on establishing national centers of excellence for unmanned aerial and ground vehicles. **Pages S7154–55**

Warner Modified Amendment No. 3431, to provide authority to transfer naval vessels to certain foreign countries. **Page S7155**

Levin Modified Amendment No. 3337, to require a report on the post-major combat operations phase of Operation Iraqi Freedom. **Page S7155**

Levin (for Boxer) Amendment No. 3367, to amend title 10, United States Code, to exempt abortions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds. **Page S7156**

Warner (for Inhofe) Modified Amendment No. 3198, to increase the amount of assistance authorized to be provided by the Secretary of Defense to Iraq and Afghanistan military or security forces during fiscal year 2005. **Page S7156**

Levin (for Graham (FL)) Modified Amendment No. 3365, to authorize a pilot program on cryptologic service training. **Page S7156**

Levin (for Feingold) Modified Amendment No. 3399, to require the Comptroller General to conduct a study of transition assistance provided for members of the Armed Forces being discharged or released from active duty; to require a related study; and to add to the content of pre-separation counseling for the members. **Pages S7156–57**

Warner (for Ensign) Modified Amendment No. 3325, to extend to current Javits-Wagner-O'Day Act contracts for the operation of military dining facilities a limitation on the applicability of the Randolph-Sheppard Act to the operation of such facilities. **Page S7157**

Levin (for Clinton) Modified Amendment No. 3204, to require a Comptroller General report on closure of Department of Defense dependent elementary and secondary schools and commissary stores. **Pages S7157–58**

Warner (for McCain) Modified Amendment No. 3441, to impose limitations and requirements for the acquisition of aerial refueling aircraft for the Air Force. **Page S7158**

Warner (for McCain) Amendment No. 3319, to repeal certain requirements and limitations relating to the defense industrial base. **Page S7158**

Levin Amendment No. 3339, to modify the priority afforded applications for national defense tank vessel construction assistance. **Page S7158**

Rejected:

By 44 yeas to 56 nays (Vote No. 133), Levin Amendment No. 3338, to reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism. **Pages S7120–28**

Withdrawn:

Reid Amendment No. 3469 (to Amendment No. 3387), to direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States. **Pages S7138–40**

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. **Page S7120**

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 S7120**

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. **Page S7120**

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute. **Page S7120**

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority. **Page S7120**

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. **Page S7120**

Reid (for Daschle) Amendment No. 3409, to assure that funding is provided for veterans' health care each fiscal year to cover increases in population and inflation. **Pages S7128–29**

Ensign Amendment No. 3467 (to Amendment No. 3315), to provide a fiscally responsible open enrollment authority. **Page S7134**

Daschle Amendment No. 3468 (to Amendment No. 3409), to assure that funding is provided for veterans' health care each fiscal year to cover increases in population and inflation. **Pages S7134–37**

Reid (for Akaka) Amendment No. 3414, to provide for fellowships for students to enter Federal service. **Page S7137**

Reid (for Leahy) Amendment No. 3387, relative to the treatment of foreign prisoners. **Pages S7137–38**

Warner (for Lott) Amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment.

Warner (for Bennett/Hatch) Amendment No. 3373, to provide for the protection of the Utah Test and Training Range.

Warner (for Bennett) Amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress.

Warner (for Inhofe) Amendment No. 3280, to reauthorize energy saving performance contracts.

Warner (for McCain) Amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force.

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force.

Warner (for McCain) Amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force.

Warner (for McCain) Amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force.

Levin (for Biden/Lugar) Amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports. **Page S7152**

Levin (for Byrd) Amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia. **Page S7152**

Levin (for Byrd) Amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed. **Page S7152**

Levin (for Corzine) Amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55. **Page S7152**

Levin (for Daschle) Amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet. **Page S7152**

Levin (for Daschle) Amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense. **Page S7152**

Levin (for Dayton) Amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism. **Page S7152**

Levin (for Dodd) Amendment No. 3311, relating to the imposition by the Department of Defense of offsets against certain contractors. **Page S7152**

Levin (for Dodd) Amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas. **Page S7152**

Levin (for Feingold) Amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks.

Pages S7143–44, S7152

Levin (for Graham (FL)) Amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998. **Page S7152**

Levin (for Leahy) Amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress. **Page S7152**

Levin Amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Page S7152

Levin (for Kennedy) Amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions. **Page S7152**

Levin (for Kennedy) Amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region. **Pages S7140–43, S7152**

Levin (for Reed/Kohl) Amendment No. 3355, to ensure the soundness of defense supply chains through the support of Manufacturing Extension Partnership centers that improve the productivity and competitiveness of small manufacturers; and to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account. **Page S7152**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 22, 2004. **Page S7162**

A unanimous-consent-time agreement was reached providing for the consideration of the following amendments at 9:30 a.m., on Wednesday, June 23, 2004: Corzine Amendment No. 3303 for 30 minutes; Byrd Amendment No. 3423 for 20 minutes; McConnell Amendment relative to the Iraq report and Kennedy Amendment No. 3377 for a total of 30 minutes; and Reed Amendment No. 3353 for 20 minutes; following which, Senate will proceed to a series of consecutive votes in relation to these amendments, with no second-degree amendments in order prior to the votes. **Page S7202**

During consideration of this measure today, Senate also took the following action:

Under Senate precedent, Dayton/Feingold Modified Amendment No. 3197, to strike section 842, relative to a conforming standard for waiver of domestic source or content requirement, was rendered moot, when Warner (for McCain) Amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197) listed above, was agreed to.

Page S7134

Sessions Amendment No. 3371, to provide for increased support of survivors of deceased members of the uniformed services, previously agreed to on June 17, 2004, was modified **Pages S7158–60**

Bunning (for McConnell/Bunning) Modified Amendment No. 3438, to strike the funding offset for the coverage under the Energy Employee Occupational Illness Compensation Program of atomic weapons employees employed as facilities during period of residual contamination, previously agreed to on June 16, 2004, was further modified. **Page S7159**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the President's report to Congress concerning the Secretary of Commerce's certification under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978) that Iceland has conducted whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program; which was referred to the Committee on Commerce, Science, and Transportation. (PM–88) **Pages S7168–69**

Messages From the House: **Page S7169**

Measures Referred: **Page S7169**

Measures Placed on Calendar: **Page S7169**

Executive Communications: **Pages S7173–74**

Executive Reports of Committees: **Pages S7169–73**

Additional Cosponsors: **Pages S7174–76**

Statements on Introduced Bills/Resolutions: **Pages S7176–95**

Additional Statements: **Pages S7166–68**

Amendments Submitted: **Pages S7195–99**

Notices of Hearings/Meetings: **Pages S7199–S7200**

Authority for Committees to Meet: **Page S7200**

Record Votes: Three record votes were taken today. (Total—135) **Pages S7128, S7129, S7134**

Recess: Senate convened at 9:47 a.m., and recessed at 9:58 p.m., until 9:30 a.m., on Wednesday, June 23, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7202.)

Committee Meetings

(Committees not listed did not meet)

DC STRUCTURAL IMBALANCE

Committee on Appropriations: Subcommittee on District of Columbia concluded a hearing to examine the structural imbalance of the District of Columbia, focusing on the gap between the ability of the government of the District of Columbia to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents, after receiving testimony from Representative Tom Davis; District of Columbia Delegate Norton; former Senator Fred Thompson, on behalf of the Federal City Council, Patricia Dalton, Associate Director, General Accounting Office; Mayor Anthony A. Williams, Alice Rivlin, Brookings Institution, Ted Trabue, Greater Washington Board of Trade, and Stephen Trachtenberg, D.C. Chamber of Commerce, all of Washington, D.C.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 2559), making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense approved for full Committee consideration an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

REGULATORY REFORM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine regulatory reform proposals, after receiving testimony from Senators Landrieu and Lincoln; Donald L. Kohn, Member, Board of Governors of the Federal Reserve System; John M. Reich, Vice Chairman, Federal Deposit Insurance Corporation; JoAnn Johnson, Chairman, National Credit Union Administration; Julie L. Williams, First Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency, John E. Bowman, Chief Counsel, Office of Thrift Supervision, both of the Department of the Treasury; John S. Allison, Mississippi Commissioner of Banking and Consumer Finance, Jackson, on behalf of the Conference of State Bank Supervisors; Roger W. Little, Michigan Office of Financial and Insurance Services, Lansing, on behalf of the National Association of State Credit Union Supervisors; Mark E. Macomber, Litchfield Bancorp, Litchfield, Connecticut, on behalf of America's Community Bankers; Edward Pinto, Lenders Residential Asset Company, LLC, Bethesda, Maryland, on behalf of the National Federation of Independent Business; Dale L. Leighty, First National Bank of Las Animas, Las Animas, Colorado, on behalf of the Independent Community Bankers of America; Bradley E. Rock, Bank of Smithtown, Smithtown, New York, on behalf of the American Bankers Association; Eugene F. Maloney, Federated Investors, Inc., Pittsburgh, Pennsylvania; Marilyn F. James, NEPCO Federal Credit Union, Pueblo, Colorado, on behalf of the Credit Union National Association; Margot Saunders, National Consumer Law Center, and Ed Mierzwinski, U.S. Public Interest Research Group, both of Washington, D.C., both on behalf of sundry organizations; William Cheney, Xerox Federal Credit Union, El Segundo, California, on behalf of the National Association of Federal Credit Unions; and William A. Longbrake, Washington Mutual Incorporated, Seattle, Washington, on behalf of the Financial Services Roundtable.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine aviation security, focusing on Border and Transportation Security Directorate efforts to improve the efficiency and effectiveness of passenger aviation security operations, after receiving testimony from Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security; Thomas J. Kinton, Jr., Massachusetts Port Authority, Boston; and James May, Air Transport Association of America, Inc., and Patricia Friend, Association of Flight Attendants-CWA, both of Washington, D.C.

HIGH-PERFORMANCE COMPUTING

Committee on Energy and Natural Resources: Committee concluded a hearing 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, after receiving testimony from James F. Decker, Principal Deputy Director, Office of Science, Jeffrey Wadsworth, Director, Oak Ridge National Laboratory, and Dimitri Kusnezov, Director, Office of Advanced Simulation and Computing, National Nuclear Security Administration, all of the Department of Energy; David Turek, IBM Corporation, Poughkeepsie, New York; Daniel A. Reed, University of North Carolina at Chapel Hill Renaissance Computing Institute; and Vincent Scarafino, Ford Motor Company, Dearborn, Michigan.

CHARITY OVERSIGHT

Committee on Finance: Committee concluded a hearing to examine the governance and accountability of tax-exempt organizations, focusing on best practices of charities, charities accommodating tax shelters, and current problems and issues in the charitable community, after receiving testimony from Mark W. Everson, Commissioner, Internal Revenue Service, Department of the Treasury; New York Assistant Attorney General-in-Charge William Josephson, New York; Mark Pacella, National Association of State Charity Officials, Harrisburg, Pennsylvania; Jay D. Adkisson, Quatloos.com and Select Portfolio Management, Inc., Aliso Viejo, California; J. J. MacNab, Insurance Barometer, LLC, Bethesda, Maryland; Diana Aviv, Independent Sector, and Rick Cohen, National Committee for Responsive Philanthropy, both of Washington, D.C.; Derek Bok, Harvard University Hauser Center on Non-profits and Philanthropy, Cambridge, Massachusetts; Willard L. Boyd, University of Iowa, Iowa City, on behalf of the Iowa Nonprofit Resource Center, and the Iowa Governor's Task Force on the Role of Nonprofit Organizations in Iowa; H. Art Taylor, BBB Wise Giving Alliance, Arlington, Virginia; Rock Ringling, Montana Land Reliance, Helena; and certain confidential witnesses.

PEACE CORPS SAFETY

Committee on Foreign Relations: Committee concluded a hearing to examine the safety and security framework that has been designed to protect Peace Corps volunteers around the world, focusing on trends in crime against volunteers and the Peace Corps' system for generating information, the agency's field implementation of its safety and security framework, and the underlying factors contributing to the quality of these practices, after receiving testimony from Gaddi H. Vasquez, Director, and Cynthia Threlkeld, Guatemala Country Director, both of The Peace Corps; Jess T. Ford, Director, International Affairs and Trade, General Accounting Office; and Kevin Quigley, National Peace Corps Association, and Gladys M. Maloy, both of Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

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 U.S. Representative to the Vienna Office of the United Nations, with the rank of Ambassador, and U.S. Representative to the International Atomic Energy Agency, with the rank of Ambassador, Anne W. Patterson, of Virginia, to be a U.S. Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as U.S. Deputy Representative to the United Nations, and 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, John C. Danforth, of Missouri, to be a U.S. Representative to the United Nations, with the rank and status of Ambassador, and the 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, 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, to be a U.S. Representative to the Fifty-Eighth Session of the General Assembly of the United Nations, Walid Maalouf, 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, 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 Assistant Secretary of State for Intelligence and Research, Suzanne Hale, of Virginia, to be Ambassador 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 M. Lindemann, of New York, to be a Member of the Advisory Board for Cuba Broadcasting, a Foreign Service Officer Promotion List, Charles Graves Untermeyer, of Texas, to be Ambassador to Qatar, William T. Monroe, of

Virginia, to be Ambassador to the Kingdom of Bahrain, 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.

MARRIAGE AMENDMENT

Committee on the Judiciary: Committee concluded a hearing to examine issues relative to preserving traditional marriage, focusing on States' perspective, after receiving testimony from Representative Musgrave; former Representative Barr; and Massachusetts Governor Mitt Romney, Boston.

FIGHTING TERRORISM

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine the use of subpoena authority and pretrial detention of terrorists in fighting terrorism, focusing on providing law enforcement with important new counter-terrorism tools that could make a critical difference in certain cases, after receiving testimony from Rachel Brand, Principal Deputy Assistant Attorney General, Office of Legal Policy, and Michael A. Battle, United States Attorney for the Western District of New York, Buffalo, and James K. Robinson, former Assistant Attorney General for the Criminal Division, all of the Department of Justice.

VETERANS BENEFITS

Committee on Veterans Affairs: Committee concluded a hearing to examine S. 50, relating to funding of Department of Veterans Affairs (VA) medical care; S. 1014, requiring VA to place certain low-income veterans in a higher health care priority category; S. 1153, the ''Veterans Prescription Drugs Assistance Act;'' S. 1509, the ''Eric and Brian Simon Act of 2003;'' S. 1745, the ''Prisoner of War/Missing in Action National Memorial Act;'' S. 2063, proposed demonstration project on priorities in the scheduling of appointments for veterans health care; S. 2099, relating to educational assistance benefits for certain members of the Selected Reserve; S. 2133, to name the Bronx VA Medical Center the James T. Peters VA Medical Center; S. 2296, relating to the conveyance, lease or disposal of the Louisville VA Medical Center; S. 2327, the proposed coordination of VA per diem and Medicaid payments for care of veterans in State homes; S. 2417, care for newborn children of veterans receiving maternity care; S. 2483, the ''Veterans Compensation Cost-of-Living Adjustment Act of 2004;'' S. 2484, the ''Department of Veterans Affairs Health Care Personnel Enhancement Act of 2003;'' S. 2485, the ''Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004; S. 2486, the Veterans Benefits Improvements Act of 2004;'' S. 2522, to increase the maximum amount of VA home loan guaranty benefits; S. 2524, relating to Blast Injury Research and Clinical Care Centers (BIRECCs); and S. 2534, relating to various education and home loan benefits, after receiving testimony from Senators Conrad and Corzine; Gordon H. Mansfield, Deputy Secretary of Veterans Affairs; Donald L. Mooney, American Legion, Paul A. Hayden, Veterans of Foreign Wars, Adrian M. Atizado, Disabled American Veterans, and Carl Blake, Paralyzed Veterans of America, all of Washington, D.C.; and Richard Jones, AMVETS, Lanham, Maryland.

LONG-TERM CARE

Special Committee on Aging: Committee concluded a hearing to examine long-term care services as provided for under the Medicaid programs, focusing on related provisions of S. 2077, to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance, after receiving testimony from Michael O'Grady, Assistant Secretary of Health and Human Services for Planning and Evaluation; Raymond Scheppach, National Governors Association, Washington, D.C.; Mark R. Meiners, University of Maryland Center on Aging, College Park; Melanie M. Bella, Indiana Family and Social Services Administration, Indianapolis; Kevin P. Corcoran, National Association of Health Underwriters, Arlington, Virginia; Steven Chies, Benedictine Health Systems, Cambridge, Minnesota, on behalf of the American Health Care Association; and Robert Bishop, Carmel, Indiana.

House of Representatives

Chamber Action

Measures Introduced: 17 public bills, H.R. 4633–4650; and 5 resolutions, H. Con. Res. 460–461, and H. Res. 685, 687–688 were introduced. **Pages H4764–65**

Additional Cosponsors: **Page H4766**

Reports Filed: Reports were filed today as follows:

H.R. 218, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, amended (H. Rept. 108–560); and

H. Res. 686, providing for consideration of 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, and for other purposes (H. Rept. 108–561). **Page H4764**

Speaker: Read a letter from the Speaker wherein he appointed Representative Burns to act as Speaker Pro Tempore for today. **Page H4649**

Recess: The House recessed at 9:02 a.m. and reconvened at 10 a.m. **Page H4649**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congratulating the Kenyon College Ladies swimming and diving team: 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; **Pages H4650–52**

Congratulating the Kenyon College Lords swimming and diving team: 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; **Pages H4652–53**

Commending the University of Minnesota Golden Gophers: 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; **Pages H4653–54, H4688–84**

Honoring the life and accomplishments of Ray Charles: 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, by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 281; **Page H4654–57, H4683–84**

Recognizing the importance of blues music: H. Con. Res. 13, amended, recognizing the importance of blues music, by a ⅔ yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 280; **Pages H4657–59, H4684–85**

Expressing the sense of Congress regarding safe driving: 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; **Pages H4659–60**

Luis A. Ferre United States Courthouse and Post Office Building Designation Act: S. 2017, 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"—clearing the measure for the President; **Pages H4660–61**

Cape Town Treaty Implementation Act of 2004: H.R. 4226, amended, to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty"; **Pages H4661–63**

Working Families Assistance Act of 2004: H.R. 4372, to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance; **Pages H4663–65**

Reauthorizing the TANF block grant program: H.R. 4589, to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004; and **Pages H4665–69**

Recognizing National Homeownership Month: H. Res. 658, recognizing National Homeownership Month and the importance of homeownership in the United States, by a ⅔ yea-and-nay vote of 415 yeas to 2 nays, Roll No. 285. **Pages H4669–74, H4728**

Budget Resolution for FY 2005—Revision: Agreed by unanimous consent that it be in order at

any time to consider H. Res. 685, revising the concurrent resolution on the budget for fiscal year 2005 as it applies to the House of Representatives; that the resolution be considered as read for amendment; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except 90 minutes of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees. **Page H4685**

Department of Defense Appropriations Act for FY 2005: The House passed H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, by a yea-and-nay vote of 403 yeas to 17 nays, Roll No. 284.

Pages H4674–82, H4685–H4728

Agreed to:

Amendment printed in H. Rept. 108–559; and

Lewis en bloc amendment that requires the Secretary of Defense to provide a report to the congressional defense committees that addresses how the Department is improving the dud rate of cluster munitions to meet existing DoD policies; requires that the Secretary notify the Committees on International Relations, and Foreign Relations, as well as the defense committees before assistance is provided to the Iraqi and Afghanistani military or security forces; requires that the Secretary provide to Congress a list of all contracts entered into by the DoD for the provision of security, translation, and interrogation services in Iraq, Afghanistan, or Guantanamo Bay and the amount of each contract; prohibits the use of funds for any contract in contravention of the Small Business Act; and makes technical corrections to the bill. **Pages H4718–19**

Rejected:

Inslee amendment that sought to prohibit the use of funds to waive or modify regulations promulgated under sections of title 5 of U.S. Code (by a recorded vote of 202 ayes to 218 noes, Roll No. 283).

Pages H4722–27

Withdrawn:

Woolsey amendment (no. 8 printed in the Congressional Record of June 21) that was offered and subsequently withdrawn that sought to increase funding for the Former Soviet Union Threat Reduction Account; **Pages H4703–04**

Blumenauer amendment (no. 3 printed in the Congressional Record of June 21) that was offered and subsequently withdrawn that sought to increase funding for research, development, test, and evaluation; **Pages H4706–07**

Jackson-Lee amendment that was offered and subsequently withdrawn that sought to increase funding for the Defense Health Program; and **Pages H4707–08**

Jackson-Lee amendment that was offered and subsequently withdrawn that sought to increase funding for embassy security, construction, and maintenance for interim facilities for the U.S. Mission in Iraq.

Pages H4708–09

H. Res. 683, the rule providing for consideration of the bill was agreed to by a recorded vote of 221 ayes to 197 noes, Roll No. 280, after agreeing to order the previous question by a yea-and-nay vote of 220 yeas to 196 nays, Roll No. 279. **Pages H4682–83**

Abraham Lincoln Study Abroad Fellowship Program: The Chair announced the Speaker's appointment of Mr. Mark Kirk of Wilmette, Illinois, Mr. John C. Peters of DeKalb, Illinois, and Mr. S. Kerry Cooper of College Station, Texas to the Commission on the Abraham Lincoln Study Abroad Fellowship Program. **Page H4728**

Read a letter from the Minority Leader wherein she appointed Representative Slaughter, Dr. Mary M. Dwyer of Lake Forest, Illinois, and Ms. Mora McLean of New York to the Commission.

Pages H4728–29

Presidential Message: Read a letter from the President wherein he reported that whaling activities conducted by Iceland diminish the effectiveness of the International Whaling Commission conservation program—referred to the Committees on International Relations and Resources and ordered printed (H. Doc. 108–195). **Page H4729**

Senate Message: Message received from the Senate today appears on page H4649.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4766.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4682–83, H4683, H4683–84, H4684–85, H4726–27, H4727–28 and H4728. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:02 p.m.

Committee Meetings

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on the Air Force Budget Request. Testimony was heard from the following officials of the U.S. Air Force: GEN John P. Jumper, USAF, Chief of Staff; and Nelson F. Gibbs, Assistant Secretary, (Installations, Environment and Logistics).

PROGRESS IN IRAQ

Committee on Armed Services: Held a hearing on Progress in Iraq. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; and GEN Peter Pace, USMC, Vice Chairman, Joint Chiefs of Staff.

COLLEGE ACCESS AND OPPORTUNITY ACT

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing entitled ''H.R. 4283, the College Access and Opportunity Act: Does Accreditation Provide Students and Parents Accountability and Quality?'' Testimony was heard from public witnesses.

NIH ETHICS CONCERNS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''NIH Ethics Concerns: Consulting Arrangements and Outside Awards.'' Testimony was heard from the following officials of the Department of Health and Human Services: Alex Michael Azar, II, General Counsel; Elias Zerhouni, M.D., Director NIH; Anna D. Barker, Deputy Director, Advanced Technologies and Strategic Partnerships; Maureen O. Wilson; Assistant Director; and J. Carl Barrett, Director, Center for Cancer Research, all with the National Cancer Institute; and public witnesses.

''THE NEW BASEL ACCORD: PRIVATE SECTOR PERSPECTIVES''

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''The New Basel Accord: Private Sector Perspectives.'' Testimony was heard from public witnesses.

LNG IMPORT TERMINAL AND DEEP WATER PORT SITING

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled ''LNG Import Terminal and Deepwater Port Siting: Federal and State Roles.'' Testimony was heard from Representative Markey; the following officials of the Department of Energy: David Garman, Acting Under Secretary; and Patrick H. Wood III, Chairman, Federal Energy Regulatory Commission; RADM Thomas Gilmour, USCG, Assistant Commandant, Marine Safety, U.S. Coast Guard, Department of Homeland Security; Jay Blossman, Commissioner, Public Service Commission, State of Louisiana; Kenneth D. Schisler, Chairman, Public Service Commission, State of Maryland; Joseph Desmond, Deputy Secretary, Energy, Resources Agency, State of California; and public witnesses.

NUCLEAR SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations continued hearings on ''Nuclear Security: Can DOE Meet Facility Security Requirements? (Part II). Testimony was heard from Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; and the following officials of the Department of Energy: David Garman, Under Secretary, Office of Energy, Science and Environment; and Glenn S. Podonsky, Director, Office of Security and Safety Performance Assurance.

CHILD ABDUCTIONS

Committee on International Relations: Held a hearing on A Parents Worst Nightmare: The Heartbreak of International Child Abductions. Testimony was heard from Maura Harty, Assistant Secretary, Bureau of Consular Affairs, Department of State; Daniel J. Bryant, Assistant Attorney General, Office of Legal Policy, Department of Justice; and public witnesses.

U.S. POLICY TOWARD SOUTH ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on U.S. Policy Toward South Asia. Testimony was heard from Christina B. Rocca, Assistant Secretary, Bureau of South Asian Affairs, Department of State.

OVERSIGHT—LIMITING LAWSUIT ABUSE

Committee on the Judiciary: Held an oversight hearing entitled ''Safeguarding Americans from a Legal Culture of Fear: Approaches to Limiting Lawsuit Abuse.'' Testimony was heard from public witnesses.

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003. Testimony was heard from Cheri Nolan, Deputy Assistant Attorney General, Office of Justice Programs, Department of Justice; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Committee on Rules: Granted, by a vote of 6 to 3, a structured rule providing one hour of general debate on H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now

printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that amendments shall be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the Rules Committee report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Goss and Representatives Simmons, Harman, Boswell, Peterson of Minnesota, Cramer, Eshoo, Holt, and Ackerman.

OVERSIGHT—PUBLIC TRANSPORTATION SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Public Transportation Security. Testimony was heard from Robert Jamison, Deputy Administrator, Federal Transit Administration, Department of Transportation; Chet Lunner, Assistant Administrator, Office of Maritime and Land Security, Transportation Security Administration, Department of Homeland Security; Richard A. White, General Manager and Chief Executive Officer, Washington Metropolitan Area Transportation Authority; and public witnesses.

TAX EXEMPTION: PRICING PRACTICES OF HOSPITALS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Tax Exemption: Pricing Practices of Hospitals. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 23, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness, to hold hearings to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides, 10 a.m., SD–628.

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure, to hold hearings to examine peer-to-peer networks, 2 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, 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, 2:30 p.m., SD–366.

Committee on 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, 9:30 a.m., SD–406.

Committee on Finance: business meeting to review and make recommendations on proposed legislation implementing the U.S.-Australia Free Trade Agreement, 10 a.m., SD–215.

Committee on 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, 10 a.m., SD–419.

Full Committee, to hold a closed briefing to examine the situation in Iraq with regard to the June 30, 2004 transition, 3 p.m., S–407, Capitol.

Committee on Governmental Affairs: to hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, 11:30 a.m., SD–342.

Financial Management, the Budget, and International Security, 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, 2:30 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, and S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to be followed by an oversight hearing to examine Indian tribal detention facilities, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the law of biologic medicine, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development, and Research, hearing to review Agricultural Biotechnology, 10 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following appropriations for fiscal year 2005: Commerce, Justice, State, Judiciary and Related Agencies; Agriculture, Rural Development, Food and Drug Administration and Related Agencies; and Legislative, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on the U.S. global defense footprint, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled ''No Child Left Behind: Raising Student Achievement in America's Big City Schools,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Travel, Tourism, and Homeland Security: Improving Both without Sacrificing Either,'' 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Protecting Homeland Security: A Status Report on Interoperability Between Public Safety Communications Systems,'' 1:30 p.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity, joint hearing entitled ''Promoting Homeownership by Ensuring Liquidity in the Subprime Mortgage Market,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider a Consulting Contract; followed by a hearing entitled ''Common Sense Justice for the Nation's Capital: An Examination of Proposals to Give D.C. Residents Direct Representation,'' 10 a.m., 2154 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''Geospatial Information: Are we Headed in the Right Direction or Are We Lost?'' 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on Stolen Passports: A Terrorist's First Class Ticket, 10:30 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Recent Developments in Hong Kong, 1 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3247, Trail Responsibility and Accountability for the Improvement of Lands Act of 2003; H.R. 338, Defense of Privacy Act; H.R. 3632, Anti-Counterfeiting Amendments of 2003; and H.R. 2934, Terrorist Penalties Enhancement Act of 2003, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, to continue oversight hearings on ''Families and Business Limbo: the Detrimental Impact of the Immigration Backlog,'' 4 p.m., 2141 Rayburn.

Committee on Resources, hearing on S. 1721, American Indian Probate Reform Act of 2003, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Developing Biomass Potential: Turning Hazardous Fuels into Valuable Products, 2 p.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following: H.R. 4300, Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 4389, To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; H.R. 4459, Llagas Reclamation Groundwater Remediation Initiative; and H.R. 4606, Southern California Groundwater Remediation Act, 2 p.m., 1324 Longworth.

Committee on Veterans' Affairs, hearing entitled: ''Protecting the Rights of Those Who Protect Us: Public Sector Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Improvements to the Servicemembers Civil Relief Act (SCRA);'' and to examine an expanded enforcement role for the Office of Special Counsel and public sector compliance with USERRA, and the following measures: H.R. 3779, Safeguarding Schoolchildren of Deployed Soldiers Act of 2004; H.R. 4477, Patriotic Employer Act of 2004; the USERRA Health Care Coverage Extension Act of 2004; and the Servicemembers Legal Protection Act of 2004, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following: the United States-Australia Free Trade Implementation Act; H.R. 1914, Jamestown 400th Anniversary Commemorative Coin Act of 2003; H.R. 2768, John Marshall Commemorative Coin Act; and H.R. 3277, Marine Corps 230th Anniversary Commemorative Coin Act, 3 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 2 p.m., 2167, Rayburn Building.

Next Meeting of the SENATE

9:30 a..m., Wednesday, June 23

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 2400, National Defense Authorization Act, with votes on certain amendments to occur at approximately 11:15 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 23

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 4053—United States International Leadership Act of 2004;

(2) H. Res. 676—Recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964;

(3) H.R. 1731—Identity Theft Penalty Enhancement Act;

(4) H.R. 218—Law Enforcement Officers Safety Act of 2003;

(5) H.R. 4345—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

(6) H. Res.— Regarding Israel's Security and the Principles of Middle East Peace.

Consideration of H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005 (subject to a rule).

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