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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, from the rising of the Sun to the coming of evening, we lift Your name in praise. During these long days and short nights, we have felt Your presence. Thank You for sustaining our lawmakers in their challenging work. Strengthen them to do what is right so that our Nation will be blessed by Your love. Empower them to treat one another with respect and honor. Teach us to hate what is evil and to cling to what is good. Remind us of how fleeting the days of our lives are, and give us the wisdom to prepare for eternity.

We anticipate all You are going to do in the coming months. Lord, You are our God. We will exalt You and praise Your name, for in perfect faithfulness You have done marvelous works.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will proceed to the conference report to accompany the FSC/ETI, or JOBS bill. It is my understanding that we would be unable to reach a time agreement on the conference report, and therefore I will file a cloture motion on it this morning.

Immediately after filing of that cloture, we will begin the vote on invoking cloture on the McConnell-Reid substitute amendment to the intelligence reform and homeland security resolution. The managers made substantial progress over the course of yesterday and last night. At this juncture, we are down to only a handful of amendments.

Senators who do have amendments remaining should stay close to the Chamber this morning as we hope to move quickly on the underlying resolution. If Members are not timely in coming to offer their amendments, we will be moving to adoption of the resolution.

At this juncture, we really should have no delay. Every hour that we delay over the course of today means an hour later before we adjourn, whether that is later tonight or tomorrow or the next day. We need to move on to complete the remaining legislative items before our adjournment. As we all know, the clock is working against us.

We will finish the pending intelligence reform resolution. We will finish the FSC/ETI conference report. We will finish the Homeland Security appropriations conference report. Finally, we also expect to finish the Department of Defense authorization conference report.

Obviously, from those four items you can see we have a lot to do, a full plate of business before our adjournment. Yet all of these can be handled expeditiously, but it is going to take the cooperation of each and every one of our Members. Individual Members are going to be able to determine whether we have to continue to work through the weekend, including Saturday and Sunday, to complete our business.

I don't believe, if you look at it and you look at where each of these four items is, that it is necessary for it to take that long. We can very efficiently work through these items, but every Senator is going to have to cooperate. If not, it will be necessary to continue late tonight, Saturday, and possibly Sunday with these four items we must complete before adjourning.

We will be voting throughout today and, if necessary, tomorrow and into Sunday. I believe we could finish all of this even late today if Senators focus on it and work together. Again, we need to finish all four items before we adjourn.

I will be happy to yield for a moment to the Democratic leader before proceeding to the FSC conference report.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOND). The Senator from South Dakota is recognized.

INTELLIGENCE REFORM

Mr. DASCHLE. Mr. President, last night, we reached agreement on a finite list of amendments to the intelligence reorganization resolution. As I understand it, there are six amendments that will be addressed today following cloture, so we have made good progress. It is a resolution I strongly support. Like the 9/11 Commission legislation, it is imperative that we finish it. It is imperative that we have an opportunity to work through these amendments. I hope everybody could cooperate with regard to time on the amendments.

I again commend the two managers. This has not been an easy task. Dealing with legislative jurisdiction is one of the trickiest of all the challenges and efforts we as legislators face. They have done a masterful job. I commend them again this morning and look forward to completing our work today.

I yield the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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AMERICAN JOBS CREATION ACT OF 2004—CONFERENCE REPORT

THE PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. I now move to proceed to the conference report to accompany H.R. 4520.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the conference report.

Without objection, the motion is agreed to.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture 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, hereby move to bring to a close debate on the conference report to accompany H.R. 4520, a bill to amend the Internal Revenue Code of 1986 to remove impediments in such code and make our manufacturing service technology businesses and workers more competitive and productive both at home and abroad.

Bill Frist, Chuck Grassley, Ted Stevens, Kay Bailey Hutchison, Conrad Burns, Thad Cochran, Norm Coleman, George Allen, Larry Craig, Trent Lott, Mitch McConnell, Jon Kyl, Craig Thomas, John Cornyn, Ben Nighthorse Campbell, Elizabeth Dole, and James Talent.

Mr. FRIST. I believe we are now ready to proceed to the cloture vote on the McConnell-Reid amendment to the intelligence resolution.

INTELLIGENCE COMMITTEE REORGANIZATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Res. 445, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 445) to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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 to the pending amendment on S. Res. 445, a resolution to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Bill Frist, Mitch McConnell, Harry Reid, John Cornyn, Craig Thomas, James Inhofe, Mike Crapo, Conrad Burns, Norm Coleman, Tom Daschle, Lamar Alexander, James Talent, Wayne Allard, Gordon Smith, Larry Craig, Robert Bennett, Pete Domenici, Susan Collins.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate debate on Amendment No. 3981, offered by the Senator from Kentucky, Mr. MCCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID, I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BOND). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 3, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—88

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Miller
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Boxer	Frist	Reed
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Warner
Daschle	Levin	Wyden
Dayton	Lincoln	
DeWine	Lott	

NAYS—3

Collins	McCain	Voinovich

NOT VOTING—9

Campbell	Graham (FL)	Leahy
Chambliss	Hollings	Lieberman
Edwards	Kerry	Sununu

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The assistant Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4035, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 4035 for the majority leader, Senator FRIST. I understand a modification to the amendment is at the desk. I ask unanimous consent that the modification be accepted.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. I object.

Mr. HATCH. I cannot make a unanimous consent request.

Mr. HARKIN. I object.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak for up to 1 hour and after that the quorum be reinstituted.

Mr. REID. Reserving the right to object, his hour will be counted against the time for the cloture; is that right?

Mr. HATCH. No, because I am not speaking on the bill.

Mr. REID. I object, then.

Mr. HATCH. That is fine.

Mr. REID. I objected.

Mr. HATCH. Fine. Your request is fine.

Mr. REID. The hour will be counted?

Mr. HATCH. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized for 1 hour.

Mr. HATCH. I thank the distinguished minority whip and, of course, my friend from Iowa for their courtesy. I have been wanting to give these Senate remarks as in morning business ever since yesterday.

MEDICARE MODERNIZATION ACT

Mr. President, over the past few weeks several of our colleagues on the

other side of the aisle have given rousing statements on health care.

There is no question that health care is of paramount importance on American families. On that we can all agree.

I am sure it will come as no surprise that I disagree with a number of points my colleagues have raised. In fact, some of their allegations are just plain wrong, particularly with respect to the Medicare prescription drug law which I helped to negotiate.

I was a member of the tripartisan group that came up with a bill that I think would have been supported by the 20 Democrats at the time. I have been working on this ever since and was on the conference committee, sat in for days, weeks, and months on that conference committee to negotiate this bill.

It is mind-boggling some Senators seem willing to sacrifice the health and well-being of beneficiaries by spreading mistruths about the law. These mistruths could cause a beneficiary to forego learning more about provisions in the law that could really help, such as the Medicare-approved discount card program which study after study shows is delivering real savings, or the voluntary Part D benefits that begin in 2006.

This continued misinformation and set of damaging attacks are a tremendous disservice to Medicare beneficiaries. So I wanted to take this opportunity to set the record straight.

Opponents have characterized the Medicare law as a failure for beneficiaries. What poppycock. To me, we would have failed had we not passed the Medicare Modernization Act, had we not given beneficiaries what they need, meaningful prescription drug coverage and a stronger Medicare Program.

Let me highlight a few areas in which we need to set the record straight. The first is the cost estimates of the MMA. I will refer to this bill, the Medicare Modernization Act, from here on in as the MMA. That means the Medicare Modernization Act.

Let me talk about cost estimates. The central theme echoed by those who seek to discredit the new Medicare law is the allegation that the administration hid the true cost of the Medicare law from the Congress before the final vote.

This is simply political election year hyperbole.

The opponents of the drug benefit have made this claim because the complete and final cost estimate from the CMS Office of the Actuary was not finished before the vote took place.

Let's be clear, the administration's cost estimate was not withheld from Congress because there was not a final cost estimate from CMS to withhold. The CMS cost estimate was not even completed until December 23, 2003—long after the House and Senate vote, long after the bill was signed into law. So let's get rid of that argument right off the bat because it is a false, fallacious argument.

Rick Foster, the chief actuary for the Centers for Medicare and Medicaid Services confirmed these facts to us earlier this year in a Finance Committee briefing and we all know that. Even after that briefing, however, some chose to continue this erroneous attack, perhaps because they did not take the time to attend the briefing. To me, this is but another indication of election year hyperbole.

Let me also be clear that we did have the official cost estimate on the Medicare bill before the vote. That estimate, as my colleagues are well aware, is the one from the Congressional Budget Office, not CMS. That is what binds us. That cost estimate, our official cost estimate, by the entity we rely on in Congress, was available to every Member of Congress before the measure was presented to either the House or the Senate.

No one should doubt that we had the true cost estimate for the prescription drug bill last year, and everyone in this body and the other body had access to it before the vote.

There also have been claims that the administration changes its cost estimate. Again, that is not the case. The President's mid-session review did update the estimates of Medicare outlays, but it did not change the estimate of the Medicare Modernization Act, the MMA.

In fact, Rick Foster, the CMS actuary, has said you simply cannot add the change in estimated outlays to the MMA estimate and declare you have a new estimate.

Apparently, Mr. Foster's words, the words of a trained actuary, don't matter to some of these so-called critics. If opponents of the Medicare bill value his opinion of cost estimates so highly, why do they ignore him now? That is amazing to me. They will quote part of what he said—but ignore the other part of what he said. Mr. Foster has said that the MMA estimate has not changed; but despite that, opponents of the MMA have wrongly claimed that it did.

Again, it is just political hyperbole. We had—and have—the true cost estimates from CBO. Case closed. That is what we have to rely on in the Senate Finance Committee.

Now let me address the accusations that the bill prohibits Medicare from negotiations with drug companies. This is another one of the fallacious things that enemies of the bill have been spewing forth.

Those who make this charge imply, wrongly, that the price charged to beneficiaries is not subject to negotiation. That could not be further from the truth. The truth is, Medicare prescription drug plans will be negotiating with drug makers. These negotiations are the very heart of the new Medicare drug benefit.

The absurd claim that the Government will not be negotiating with drug makers comes from a non-interference clause in the Medicare law.

This noninterference clause does not prohibit Medicare from negotiating with drug makers. It prohibits CMS from interfering in those negotiations. That is a far cry from some of the fallacious statements that have been made on this floor.

Let me be clear, the non-interference clause is at the heart of the bill's structure for delivering prescription drug benefits. This clause ensures those savings will result from market competition, rather than through price fixing by the CMS bureaucracy. That is what was behind this. Let's not distort these provisions.

What is ironic about the minority charges on this provision—some in the minority; not all in the minority would agree with some of these fallacious charges—but what is ironic about these minority charges by some on this provision is that the same non-interference clause was in the Daschle-Kennedy-Rockefeller bill and the Gephardt-Dingell-Stark bills in the year 2000.

I hate to say this, but if my memory serves me correctly, these are leading Democrats in the Senate and in the House. They are not Republicans. It is the same provision that is being condemned by some in this body through hyperbole, political hyperbole. In fact, I want to read this to you:

> In administering the prescription drug benefit program established under this part, the Secretary may not—(1) require a particular formulary or institute a price structure for benefits; (2) interfere in any way with negotiations between private entities and drug manufacturers, or wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

Now, what is the source of that language? It is from S. 2541, the Medicare Expansion for Needed Drugs, or MEND, Act, introduced in 2000 by Senator DASCHLE and cosponsored by 33 Democrats, including Senator KERRY. Think about it, some of the very people who are criticizing the MMA, that passed overwhelmingly in both Houses of Congress.

I find it curious that this approach, which is mislabeled as ''preventing Medicare from negotiating,'' was fine in the year 2000 when the Democrats were putting forth a bill, but not fine when enacted into law by a Republican President and a Republican Congress in 2003.

I must remind my colleagues that Senator DASCHLE, the distinguished Senator from South Dakota, once said:

> Our plan gives seniors the bargaining power that comes with numbers. . . . Our plan mirrors the best practices used in the private sector. For beneficiaries in traditional Medicare, prescription drug coverage would be delivered by private entities that negotiate prices with drug manufacturers. This is the same mechanism used by private insurers.

Think about that. I think those who advance these arguments that you cannot have competitive work with regard to drug pricing ought to be ashamed of

themselves and ought to quit playing politics with a bill that is so important for senior citizens all over this country.

A related charge I heard one minority Senator make was that this so-called non-interference language contributed to next year's Part B premium increase. Again, this is plain wrong.

The Part B premium reflects the costs of Part B benefits. These include physician services and other outpatient services.

I would like to remind my colleagues that when Medicare was first created, the Government paid 50 percent of the premiums and beneficiaries paid 50 percent of the premiums. That was when Medicare was instituted. Today, the Government pays 75 percent of the premiums and beneficiaries pay only 25 percent of the premiums because we in the Congress were trying to help limit beneficiaries' out-of-pocket costs.

Those who suggest this non-interference language will drive up the cost of implementing the law simply do not have the facts or the legislation on their side.

This is what the CBO said about eliminating the non-interference clause in a letter earlier this year:

> [T]he Secretary would not be able to negotiate prices that further reduce federal spending to a significant degree.

The CBO in that letter went on to say:

> CBO estimates that substantial savings will be obtained by the private plans.

Now, let us be clear: Direct Government negotiation is not the answer. The Government does not negotiate drug prices. That would be price control, and it would, I think, inevitably cause prices to rise as companies would not be able to do business in this country as they have in the past.

The bill's entire approach is to get Medicare beneficiaries the best deal through vigorous market competition, not price controls.

Again, it might be illustrative to quote from the distinguished minority leader, Senator DASCHLE, when he outlined the principles for the MEND Act. Now remember, the MEND Act was a Democrat-sponsored act. This is what Senator DASCHLE said:

> [W]e should take a lesson from the best private insurance companies: Cost-savings should be achieved through competition, not regulation or price controls.

Now, keep in mind, they had the same provision in their bill that they are criticizing now in the MMA.

This year, even the Washington Post, in a February 17 editorial, stated that:

> Governments are notoriously bad at setting prices, and the U.S. government is notoriously bad at setting prices in the medical realm.

There is proof of that.

In an August 2000 report, the Government Accountability Office, the GAO, found that drug manufacturers could respond to a mandate that they extend Federal prices to a larger share of purchasers by adjusting their prices to others. The larger the group that would be newly entitled to receive a Federal price, the greater the incentive for drug manufacturers to raise that price.

The GAO stated that with the Medicaid rebate experience, specifically, that following enactment of the rebate program, discounts for outpatient drugs decreased significantly because manufacturers raised the prices they charged large private purchasers. Now, this shows how Federal and non-Federal drug price discounts could change if Medicare beneficiaries had access to the same price discounts available to Federal purchasers.

It is common sense that expanding access to the Medicaid rebate means weaker discounts for everyone. If almost everyone can get the Medicaid ''best price,'' then no one gets a discount.

Another charge we hear frequently is that Congress should give Medicare beneficiaries access to the Veterans' Administration approach. Well, what these critics do not tell beneficiaries about the VA model is that it is a very restrictive formulary and that the drugs are available only through a limited number of VA pharmacies.

The VA has lower prices in part because it has a very restrictive formulary. Now, this puzzles me because many proponents of the VA system also have expressed the concern of ensuring beneficiaries' access to drugs.

In calling for the VA system, Families USA spotlighted 15 drugs commonly taken by Medicare beneficiaries. In fact, of the 15 drugs mentioned by Families USA, only nine are even on the VA formulary. The rest are not even covered.

Sixty-one percent of the drugs on the VA formulary are generic drugs. If a Medicare beneficiary needed a brand-name drug—and the vast majority either do or will—the beneficiary would have to meet a narrow set of exceptions to get that brand-name drug under the VA system.

The drugs are only dispensed at VA facilities. Such a closed system would limit Medicare beneficiaries' access to their neighborhood pharmacy. I am not for limiting beneficiaries' access to their neighborhood pharmacies. And I don't think any of my colleagues are either, in spite of some of the comments that have been made on the floor of the Senate.

So while proposing the VA system might make for a good sound bite or advantageous sound bite, they might think, there are some important facts they are not sharing that could do more harm than good. And those facts were taken into consideration when we wrote this bill.

We did not rely on CMS price fixing, but instead created a new drug benefit that relies on strong market competition and an approach in keeping with the principles of the MEND Act, the Democratic act, as introduced by Senator DASCHLE and cosponsored by 33 Democrats, including their candidate for President, Senator JOHN KERRY. But that was then, I guess this is now. All of a sudden, this provision they adopted, that they were articulating, that they were pushing, is now suddenly a bad provision for senior citizens.

Moving along, I want to talk about the Part B premium increase. There has been a good deal of criticism on the increase of the Part B premium, and that was understandable as many of us were shocked at so high a jump. Many of us were concerned about the impact this could have on beneficiaries, especially those living on fixed incomes.

But it might be helpful to look at why this increase occurred rather than demagogue about it.

The vast majority of the premium increase resulted from physician payment changes made in a previous year and by those in the Medicare Modernization Act that were needed to ensure beneficiaries' access to care. I can't relate how many letters I have received over the past few years from beneficiaries and providers alike who were concerned about the negative impact of reductions in physician reimbursement. Preventing those cuts was not a partisan issue. Indeed, Republicans and Democrats worked to prevent payment cuts to physicians so access to their services would be protected.

In fact, some of today's most vocal critics of the administration joined with 71 Democrat and Republican Senators to sign a letter to the administration calling for immediate action to prevent payment cuts to physicians. We all knew that had to be done if we were going to be fair to those on Medicare. Virtually all of us hailed the ensuing action to prevent the physician pay cuts.

Yet today many of my colleagues on the other side of the aisle criticize the Part B premium increase, four-fifths of which is directly attributable to the actions they requested to prevent the decrease in physician payments. Is that right? I don't think so.

Let's look at another reason the Part B premium increased so much this year.

Congress increased payments made on behalf of beneficiaries who choose a Medicare Advantage plan. The higher payments, like the physician payments, were necessary to preserve access to Medicare Advantage plans and were supported by both Democrats and Republicans.

In a letter to Medicare conferees, several prominent Democratic Senators expressed support for including these higher payments in the final Medicare bill. Senator KERRY, by the way, was a lead cosponsor of an amendment to increase Medicare Advantage funding.

In his floor statement last June, he said:

> The Schumer-Santorum-Kerry amendment focuses on protecting this important option for seniors who have nowhere else to turn for the quality health care coverage they need.

Senator KERRY went on to state:

I urge my colleagues to support the additional funding that is urgently needed to strengthen the Medicare+Choice program for seniors. This should be among our highest priorities in this year's Medicare debate.

''Among the highest priorities''—that is their nominee for President of the United States. These are the reasons the Medicare premiums went up. It wasn't because of the new Medicare bill. I find it so disingenuous for some of my colleagues to question the premium increase when they, in fact, supported the changes that led to the premium increase. Better medical care and more widespread medical care is being given as a result of the bipartisan work that we did.

There were also six amendments to the Medicare bill introduced by Democratic Senators that, if approved, would have increased the Part B premium even more—six amendments by Democrats that would have increased the Part B premium even more. Yet we hear the persistent minority drumbeat trying to say that this increase was caused by the new Medicare reform bill.

That is pure bunk. The amazing thing is, I guess they don't fully realize it. So I am making this speech to make sure they do realize it and that they understand it. When we hear charges that the new Medicare bill drove up the Part B premium—which as I have noted are largely false—we must also keep in mind the fact that the premium increase will not affect low-income beneficiaries, whose premiums are paid for by the Government.

We must also bear in mind the important fact that the premium also reflects new Medicare coverage for important preventive benefits.

Practically every other American with private health coverage has a wider array of preventive benefits. But Medicare beneficiaries, who could possibly benefit the most from the value of prevention, did not have the benefit of coverage for many of these basic preventive services prior to enactment of the Medicare reform bill.

That didn't make sense. Now Medicare will cover important screenings for cholesterol and diabetes, as well as the initial physical.

Finally, the MMA can save beneficiaries money. Reforms and overpayments for drugs, combined with the new preventive benefits, will lower beneficiaries' out-of-pocket costs by $270 million in 2005.

Beneficiaries deserve to know the facts, not to be fed lines that amount to nothing more than political year potshots. They deserve to know how the new benefit will work, not to be given misleading information that may cause them to forgo learning more about the prescription drug benefit. Quite frankly, I am surprised and dismayed that some who claim to care about seniors and the disabled have unfairly distorted the new law and have spread falsehoods about what it does. To me, their actions are irresponsible and wrong and should be condemned as election year politicking at its very worst.

Beneficiaries deserve much better. I hope my colleagues will think twice about frightening beneficiaries with untruths and distortions. The new Medicare law is a solid attempt to improve some glaring deficits in the Medicare program and should be heralded as what it is: a bipartisan effort to help seniors and the disabled, and not hurt them as some so irresponsibly have charged.

How anybody can say that this new Medicare bill will not help seniors when we are going to spend an additional $400 billion plus over the next number of years that would never have been there without this bill is beyond me. I don't see how anybody can stand up with a straight face and make some of the comments and charges that have been made. In all honesty, it is hard to believe some of these charges. And in the process, we have taken care of more of the poor than was even contemplated by the prior attempts to reform Medicare. The poor are very much helped by that bill. Frankly, virtually everybody is very much helped by that bill. I personally think it is despicable to come on the floor or to speak in public and try to scare our seniors so they don't know what to do. Seniors can have confidence in CMS and have some confidence in the Medicare bill which will be for their benefit.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, I rise to speak about four fine judicial nominees that deserve votes before we adjourn this Congress. Three of these four nominees received the ABA's highest rating, unanimously ''well-qualified.'' The Judiciary Committee has thoroughly reviewed their background and qualifications and determined that they would all make fine Federal judges. All four were reported favorably by the committee, three of the four by unanimous vote. They have put forward their good names for the Senate's evaluation, and they deserve our attention before we adjourn. We owe them no less.

Susan Neilson has been waiting a long time for a vote. She was nominated to the Sixth Circuit Court of Appeals, for a seat that has been classified as a judicial emergency, on November 8, 2001. That is nearly 3 years that she has been waiting for this body to consider her nomination. Mr. President, it is time.

Judge Neilson is an outstanding candidate for this post. She received a unanimous ''well qualified'' rating from the American Bar Association. She graduated with high distinction from the University of Michigan Honors College in 1977 and was elected to Phi Beta Kappa. Judge Neilson received her law degree, cum laude, from Wayne State University School of Law in 1980 and was a member of its law review. Following her graduation, Judge Neilson began her legal career as an associate at the Detroit law firm of Dickinson Wright, one of the oldest and most prestigious law firms in Michigan. She became a partner in the firm in 1986 and continued to practice there until 1991. While in private practice, Judge Neilson appeared in court on a regular basis and handled hundreds of cases at both the trial and appellate levels.

In 1991, Governor John M. Engler appointed her to the 3rd Judicial Circuit Court of Michigan, the largest trial court in the State. She was reelected to that post in 1992, 1996, and 2002. She currently is assigned to the criminal division of the court.

Despite her busy schedule, Judge Neilson makes it a priority to give back to the community. She is active in many service organizations including the Catholic Lawyers Society and the Worship Commission of her church. She served as President of her local chapter of Soroptimist International, a worldwide organization working to promote human rights and the status of women.

Judge Neilson is also a prolific writer. She has written numerous articles and was co-editor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice. This treatise was selected by the Michigan Judicial Institute for purchase on behalf of every trial court judge in the State of Michigan and received the ''Plain English Award'' from the State Bar of Michigan. I also understand that she is currently working on a new book.

Judge Neilson is imminently qualified for the Sixth Circuit. I commend her to my colleagues and urge them to vote for her confirmation.

Micaela Alvarez, nominated to be United States District Judge for the Southern District of Texas, is an experienced attorney and trial judge. She began her legal career in 1989 as an Associate Litigation Attorney at the law firm of Atlas & Hall, in McAllen, TX. Her practice focused primarily on insurance defense, employment defense, and wrongful discharge defense. Judge Alvarez later joined the Law Offices of Ronald G. Hole where she expanded her practice to include medical malpractice defense and products liability. In 1995, she was appointed to the 139th Judicial District Court in Hidalgo County, TX, where she served as presiding judge.

Judge Alvarez brings a wealth of experience to the Federal bench, and she will make an excellent addition to the Southern District of Texas.

Keith Starrett, nominated to the U.S. District Court for the Southern District of Mississippi, is an exceptional nominee with a long and distinguished record both as an attorney and judge. He is a graduate of Mississippi State University and the University of Mississippi School of Law. He is an experienced litigator who has represented plaintiffs, defendants, debtors, creditors, and criminal defendants in both

State and Federal courts. While in private practice he litigated over 400 cases. In 1992 he was appointed to the Fourteenth Circuit Court of Mississippi where he presently serves. The American Bar Association unanimously gave him its highest rating of ''well qualified.'' The Mississippi Bar Association awarded him with the Judicial Excellence Award in 2003. Undoubtedly, he will be a wonderful addition to the Federal bench.

Christopher Boyko has been nominated to the United States District Court for the Northern District of Ohio. Judge Boyko brings 25 years of legal experience and sterling credentials to the Federal bench. He has served as a judge for the Court of Common Pleas in Cuyahoga County for 8 years. He also served on the Parma Municipal Court before joining the Court of Common Pleas.

Prior to his appointment to the bench, Judge Boyko built a successful law practice, which he coupled with his duties as assistant prosecutor, prosecutor, and director of law, for the city of Parma. He also served as the legal adviser to the local police department's S.W.A.T. team, as a statutory legal counsel for the Parma School District, and as chief legal counsel for the Southwest Enforcement Bureau.

The ABA has recognized this seasoned nominee with a unanimously ''Well Qualified'' rating. In addition, he has received Martindale-Hubbell's highest rating of ''AV.'' He has the distinction of having been elected to ''Who's Who in American Law,'' and the Judicial Candidates Rating Coalition, in Cleveland, unanimously gave him an ''excellent'' rating for 2004.

Mr. President, I think that you will agree that these four fine nominees possess the credentials, reputation, and experience to be Federal judges. I am convinced that each of them would serve with distinction.

Now, let me take a minute to dispense with the old canard that judges aren't confirmed late in an election year. When Senator Thurmond chaired this committee, during a Presidential election year, the Senate confirmed six Circuit Judges after August 1—one in August and five in October. In addition, 12 district judges were confirmed in September and October of that year. So I will follow that Thurmond rule and continue to bring the President's nominees to the committee for action and to the Senate for consideration.

I am only too well aware of the unprecedented and constitutionally suspect tactics my colleagues across the aisle have used to filibuster circuit court judges. So I am under no illusion that Judge Neilson will be given the up-or-down vote that the Constitution requires. Certainly this is unlikely to occur in the closing days of this session. Be that as it may, I hope that the devious tactic of filibustering circuit judges will in no way prevent the Senate from confirming three superbly qualified district judges. I hope they will be included in the final Executive Calendar package along with four commissioners for the Sentencing Commission and four U.S. Attorneys.

I understand time is precious. We are in the waning hours of this Congress, and still much is left to be done. We should not, however, in our haste to adjourn, neglect consideration of all these outstanding nominees. They deserve our attention. They deserve our time. I call on the leadership on both sides of the aisle to move these nominations and urge my colleagues to vote for the confirmation of all these distinguished nominees.

Mr. President, in accordance with the unanimous consent request agreed to earlier, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for 1 hour and when my time is yielded that the quorum be questioned.

Mr. HATCH. Mr. President, I object for the moment, but I will come back to it.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, I will address some of the issues just debated on the floor of the Senate. The Senator from Utah is my friend. We have worked together, and he chairs the Judiciary Committee. We are miles and worlds apart on many issues but have found common ground many times and I am sure we will in the future. He has done an excellent job for his President as chairman of the committee.

It is my understanding that, as of today, President Bush has successfully nominated over 200 Federal judges to fill vacancies, thanks to the work of Senator HATCH and many others in the Senate. Those nominees have been approved. At this point, it is my understanding that we have one of the lowest vacancy rates in the Federal judiciary in recent memory and that we have responded particularly in the areas of our country where there have been shortages of judges and an abundance of cases to be considered. It is my understanding that the scoreboard on President Bush's nominees who have been proposed and accepted and approved by the Senate is 201; somewhere in the range of 6 or 8 have not been approved. That is quite a good average by any standard for any President. It is certainly dramatically better than the approval given to judges under the previous President, President Clinton.

There have been a lot of complaints and concern expressed about the six or eight judges who have not been approved, and while all of that argument has gone on, 201 of President Bush's nominees have been approved.

Now we have a suggestion that in the closing days of this session, we should approve even more judges. It is a troubling suggestion only in this regard: Not reflecting on any single judicial nominee or that person's qualifications, it has been a practice and tradition in the Senate that in a Presidential election year, we suspend the approval of Federal judges after the first nominating convention of a major party. It is known as the Thurmond rule because Senator Strom Thurmond of South Carolina, chairing this same committee, established it and said once we get that close to a Presidential election, with the outcome uncertain, that we will not be approving judges. We will wait and see what the verdict of the American people will be as to whether the President, in this case, is reelected or a new President takes office and fills those same vacancies.

The Senator from Utah has asked us to look beyond this time-honored Thurmond rule. In my State of Illinois and many other States, we have withheld pursuing nominees because we understood the process was closed down, that there would not be any further judicial nominees considered. I am sure this will be discussed at length. So the record will reflect that has been the tradition. It is the situation that has applied to President after President, and most of us believe, in fairness, it should apply in this situation.

I listened carefully as the Senator from Utah talked about a number of issues, all of which are relevant, many of which will be discussed tonight in the second Presidential debate at Washington University in St. Louis between President Bush and Senator KERRY.

One of the issues which he spoke to with some force was the issue of whether we are doing enough to help seniors and other American families pay for their health care. He noted that we passed a Medicare prescription drug bill. It is true that a bill passed with that name. For a person like myself who has supported throughout his congressional career the idea of assistance to senior citizens to pay for prescription drugs, it was painful to vote against a bill called the Medicare prescription drug bill. But I did vote against it, and the reason I voted against it is the same reason that most seniors across America are not only skeptical of this proposal by the Bush administration and the Republican leaders in Congress but have flatly rejected it, because if you take a close look at the proposal which the Bush White House put before us and was approved by this Republican Congress, you will see it is only a Medicare prescription drug bill in name. In fact, it is not, and the reason is obvious. There

is no authority in the bill for Medicare as an agency to bargain with the pharmaceutical companies to get the best price for seniors and families across America. The pharmaceutical industry is the most powerful industry on Capitol Hill. Bill after bill, vote after vote, amendment after amendment, the pharmaceutical industry rarely loses. Why? Because they are a powerful force in our economy, the most profitable economic sector in America, and a powerful political force. They are involved in the campaigns, primarily with Republicans but some Democrats, too. They make contributions to those who believe in their approach, and they are rewarded many times with votes that come out their way. This is what happened with the Medicare prescription drug bill.

This bill expressly prohibits the Medicare agency from bargaining with pharmaceutical companies to lower the cost of prescription drugs, and what it means is that seniors, even with this bill, will continue to see the cost of medication going up 10, 15, and 20 percent a year. There is no end in sight. It will continue to grow at a pace that will outstrip the money we put in this bill, at a pace that will outstrip the resources of most seniors and, frankly, will do it in a hurry.

Mrs. BOXER. Mr. President, will my friend yield for a question?

Mr. DURBIN. I will be happy to yield for a question from the Senator from California.

Mrs. BOXER. Mr. President, first, I thank my friend from Illinois. We had the Senator from Utah talking about how wonderful everything is with that prescription drug plan the Senator from Illinois and I voted against and Senator KERRY does not support either. The reason we voted against it is it does not do much for our seniors. It is very costly for them when they need it. It is not there because after a certain amount of expenditure, the benefit stops. We call it benefit shutdown, donut hole—different names. Lots of us are trying to fix it.

One of the main problems is what my friend described—a prohibition on the Medicare agency from negotiating with these giant drug companies for lower prices. This is where I want to ask my friend a question.

If someone from the Government came up to one of our constituents who was looking for a new bike for their son and said, You cannot shop around, you have to take whatever that store on the corner says you have to pay, I do not think that would be very popular for the Government to do. I am sure my friend would agree.

Essentially, that is what we are doing here. We are essentially taking the leverage away from Medicare to help our seniors get lower prices by telling them, even though there are 40 million Americans—that is my understanding—on Medicare, they cannot use that power and that leverage to sit across from Pfizer or any of the big companies and say: If you want to get on our formulary, you have to lower this price.

It seems stunning to me that Senator HATCH would come to the floor and say it is not true. He said: We do not stop Medicare, we just stop the agency that runs Medicare. Talk about flimflam. Talk about misleading the seniors. Is that what the Senator from Illinois heard the Senator say?

Mr. DURBIN. Mr. President, in response to the Senator from California, I did not hear that exact quote, but it is clear for anyone who reads the bill that Medicare, as an agency, does not have the authority to bargain for lower drug prices or to create its own drug benefit program.

The Republican leadership in the White House and Congress insisted that this be done through private sector insurance companies. In fact, they expressly prohibited seniors from buying Medicare gap policies to cover this overwhelming cost of prescription drugs.

The most telling fact that I think should be part of this debate is the Bush administration insisted that this so-called Medicare prescription drug benefit plan would not go into effect until after this election. They know, the Senator from California knows, I know, that when seniors see the situation close up and all the details, they are going to feel even worse about what Congress has done. Congress has left them vulnerable on prescription drug costs, and they are not the only ones.

We are finding companies across America and families across America wrestling with the high cost of health care. What has the Bush administration done to help small businesses provide health insurance, to help families afford health insurance, to come to the rescue of 100,000 American retirees who have lost their health care benefits because of a bankruptcy court? What have they done to help these people in such dire straits? Nothing. Why? Because the companies that are profiting from these high costs of insurance and pharmaceuticals are companies that are the political favorites of the Bush administration and the Republican leadership in Congress.

So when any Senator comes to the floor and talks with some pride about what has happened over the last 4 years on health care, go ask the families of America what is happening. The honest answer is no relief, no help, and they find themselves with increasing costs for health care and the cost of health insurance.

Businesses identify this as the No. 1 problem facing American business today, that health care premiums are going up 25 percent and more each year. They say to us: How can we provide coverage for our employees, how can we be competitive in the world if we face that overhead cost?

Labor unions say exactly the same thing. They say: We try to get more money per hour for our workers so they can have a better life, but every penny of it goes for health insurance, and this year's coverage is less than last year's coverage. They are frustrated. Business, labor, families, individuals, and retirees are being left out in the cold.

What has the Bush administration and the Republican Congress done for these groups? Nothing. Absolutely nothing.

Mrs. BOXER. Will my friend continue to yield to me?

Mr. DURBIN. I would be happy to yield for a question.

Mrs. BOXER. Again, I want to thank my friend for moving to the bigger issue of all of our citizens, leading off with the issues that are facing our seniors. But I want to get back to our seniors.

My friend said it is interesting that the date of the prescription drug benefit is after the election because it is such a bad benefit and they do not want people to see there is really not very much there. They thought they could run on this as an issue, but I say to my colleague seniors are smart.

We say this is the greatest generation. This is the generation that has kept us free, and they are smart. I am sure my friend has seen what I have seen. As I go around my State, seniors are saying, please fix this thing, allow Medicare to negotiate for lower prices. Do not have the benefit that shuts down just when we need it the most. It is too expensive. Allow importation of pharmaceutical products through Canada. I am sure my friend is having that same experience.

The thing they did not count on, President Bush and our friends on the other side, is that the seniors see this on the horizon. They get it. They are used to reading the small print, and I believe they are letting us know that they are quite unhappy.

I want to ask my friend this: One would think, after looking at what the Veterans' Administration does for its people, when they sit down, knowing they have millions of veterans behind them, and negotiate with a drug company and get those prices down, perhaps a third less, maybe even a half lower than what they sell for normally on the market, one would think that would have been the perfect model for this group that wrote this bill to emulate what the Veterans' Administration does for its veterans.

Oh, no, no. Was not my friend surprised when it turned out that instead of taking the model that has been developed for veterans on pharmaceutical prices, where the Veterans' Administration sits across the table from the big drug companies, essentially, and bargains for lower companies, that instead of taking that model they are reversing that model and prohibiting Medicare to negotiate?

Mr. DURBIN. The Senator from California, I am sure, has met with veterans, as I have in Illinois. Veterans are fortunate when they reach an age that they can go to a Veterans Hospital

and get their prescriptions filled for a modest amount each month. That is because the Veterans' Administration bargains for the prices of drugs, brings them down to a lower cost than a senior on Medicare is going to pay.

There has been a lot of talk about reimportation of drugs from Canada. I just want to say for the record, many of us believe that a promise had been made on the Senate floor that we would vote on this issue of reimportation of drugs from Canada before we went home this year. In fact, there is ample evidence in the CONGRESSIONAL RECORD, a colloquy between Senator DORGAN of North Dakota and the majority leader of the Senate, which led us all to believe that we would finally get a chance to reimport drugs that have been made in the United States safely and can be bought at a fraction of the cost in Canada and other places.

The decision was made, no, we do not have time. We cannot do it. Well, that decision was made as the decision was made to stop Medicare from asking for lower prices for drugs, at the request of the pharmaceutical companies. These companies are making the greatest profit of any sector of the American economy, and they have asked for Congress to protect their profits. This is a decision driven by greed. It is a decision where the pharmaceutical companies have said, despite the hardship on seniors, despite the hardship on families and businesses, we will not reduce the prices of our drugs.

A phony argument has been raised, and that is that we cannot reimport drugs from Canada without compromising the safety of the drugs that are brought in. Let me remind everyone that the overwhelming majority of the drugs we are talking about are the product of research in the United States. They are the product of American pharmaceutical companies. They are in packages and under names in Canada exactly as they are in the United States. We are only asking that these drugs be brought back in so that seniors can get some relief from high drug prices, relief that is not forthcoming in the Medicare prescription drug bill.

Let me say something about the safety issue. Do not trust me. I am just an elected official. Trust instead Dr. Peter Rost, who is vice president of marketing at Pfizer. Let us see what he had to say about the safety issue:

> During my time responsible for a region in northern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice was unsafe. And personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

It is a phony issue. Safety of drugs is a phony issue. We can put safeguards in place. We have proposals before the Senate to do it. In my home State of Illinois, Governor Blagojevich has been a leader on the reimportation issue. He has established what I consider to be rational and very thoroughly thought out standards for the reimportation of drugs. Resistance comes from the Food and Drug Administration, and that resistance is inspired by the pharmaceutical companies that do not want to see cheaper drugs coming into the United States to help seniors and families meet the overwhelming cost of prescription drugs.

Tonight, during the course of this debate between President Bush and Senator KERRY, I am sure that health care will be an issue. I am guessing that someone, in 90 minutes, in the Washington University audience is going to say to both candidates: What are you going to do to reduce the cost of health care for families across America?

What the President will say is, We have done it with the Medicare prescription drug bill. And the obvious answer to that is, Well, then why did you postpone it until after the election? Why is it so hard to understand? Why the gaps in coverage? Why can't Medicare bargain for a lower price?

The answer on the other side from Senator KERRY is obviously, this administration, in the thrall and under the control of the pharmaceutical industry, is not prepared to confront them on behalf of American families and businesses which are struggling to pay for prescription drugs.

I think that is a clear choice, as there will be a clear choice on so many issues.

Take a look at this issue as well. On the issue of health care, what has happened under the Bush administration? Under President Bush's 4 years, fewer jobs in America provide health insurance. We know from the reports, the President, during his administration, has lost more jobs in America than any President in the last 70 years of either political party. Even today's report about a few new jobs in America still leaves the President somewhere between 500,000 and 800,000 net jobs lost during his Presidency. Even his father, facing a recession and a war, was able to see much more employment created than this President.

As a result of the lost jobs, and as a result of businesses struggling with the Bush economic policies, fewer companies offer health insurance.

In the year 2000, when President Bush took office, 63.6 percent of companies offered employer-provided health insurance. Today, it is 60.4 percent. That means 3.8 million Americans have lost health insurance coverage at their job.

Now, what does one do when they have lost their health insurance at their job? Well, for many of these Americans, it means no protection whatsoever. It means that they pray each morning that someone does not develop a serious illness or get involved in an accident.

So how is this making America a better place? How is it strengthening families? How is it removing fears and worries from families who are just trying to get by each day and maybe make life a little better for their children? I cannot imagine in my family, if we did not have health insurance, what it would be like, fearful that at any given moment the savings that we have could evaporate paying for health costs.

Under President Bush, 3.8 million Americans have lost health insurance. That is a fact. That will come up tonight during the course of this debate.

Look at the jobs that have been lost under President Bush as well. The Clinton administration saw an increase of 20.7 million jobs in the 8 years of his Presidency; under President Bush, a loss of 1.6 million jobs. The President says his economic policies are working. The unemployed people of America are a living testimony to the fact that they have failed because the President's economic policy is very simply stated. If we give tax breaks to the wealthiest people in America, surely everybody else will be better off.

It has not worked. It is not going to work. The helping hand should be given to businesses to create jobs. A helping hand should be given to working families to try to keep up with increased costs for health care and college tuition and gasoline. These are the basics of life. This administration has ignored it. By ignoring it they have created an economic climate that has destroyed jobs instead of creating them.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to my friend.

Mrs. BOXER. Would you keep the chart up. This is a shocking chart. This is not about politics or rhetoric. This is a fact. The fact is, we came off of the Clinton administration where 20.7 million new jobs were created, and we are at the end of the Bush administration and a loss of 1.6 million jobs. They will make every excuse in the book for it. The fact is, we have that kind of record, even though we are in raging deficit spending.

I am an economics major. Granted, it was a long time ago that I went to college and I got my degree in economics, but one of the things they taught us in economics 101 was that when you wanted to rejuvenate the economy—deficit spending. So here we have a President who is deficit spending, who has stolen every penny from the Social Security trust fund to pay for his tax cuts, throwing hundreds of billions—let's be exact, between $120 billion and $200 billion at Iraq with no end in sight to bear the burden of that war, let alone the human loss of life, and with all of this deficit spending we see a loss of 1.6 million jobs. It is shocking to see this type of record.

The President goes around with the music blaring, saying how great his economic program is, as my colleague pointed out, and all of these great new jobs that are being created. I want to ask my friend, for the jobs that are being created—and there are some, although it is very anemic—isn't it true that the average pay of those jobs is approximately $9,000 less a year than

the pay of the jobs that have been lost? If my friend, in answering that question, could talk about what that means to families who have to pay the higher costs of health care, college tuition, gas prices, and all the things we need to pay for, it would be helpful.

Mr. DURBIN. I would be happy to respond to that question. I would say if you listen carefully, the President's regular response when asked about whether there is enough employment in America is: This administration will not rest until every American has a job.

The President better plan on staying up late at night, all through the night, for the next 3 weeks-plus of this campaign, because Americans are having difficulty finding jobs.

The point the Senator made is an important one. I have met with some of these unemployed people, many of whom worked for years, even decades, in good-paying jobs. They live in nice houses, their kids go to good schools, they had savings accounts, a car in the driveway—maybe two or three, vacations were planned. Then all of a sudden the bottom fell out. They lost the job. I met with them and listened to them about their desperate efforts to find another job. They are in a situation where they will take a lot less money for a job just to go back to work. The potential employer says: ''Wait a minute, you are overqualified. Because you are overqualified we are not going to hire you because we know you'll take something better that comes along,'' so they can't get employed. But if they luck out and get one of the lower paying jobs, what will they have to sacrifice? Will it be their savings? Will it be the college education of their child? Will it be the home they live in? You can't tell what it means.

But if this President says he won't rest until every American has a job, he better stay up at night for a long, long time because we have lost more jobs under his Presidency than any President's since Herbert Hoover. For those who are not students of history, he was the President during the Great Depression, a depression which our parents lived through and will remember as the toughest time in their lives.

This President has created a climate in this country where the number of jobs is not growing. It did not have to be that way. Take a look at what happened under the Clinton administration. The Clinton administration was creating 2.6 million jobs a year. The Bush administration has been losing about 200,000 jobs a year.

You say to yourself, What was the difference? The difference was the Clinton administration put together a sound fiscal policy for America. It was not easy. In fact, it passed the House and the Senate—I served in the House at the time—by one vote in each Chamber. Vice President Gore cast the deciding vote. President Clinton did say that in his administration we are going to take deficits seriously. I know the other party, the Republicans, say they are fiscal conservatives but we believe that getting the deficit under control is critically important if we are going to rejuvenate this economy and bring down interest rates and have more capital investment.

We did it. It was painful. Many Members of the House and Senate lost their seats because they voted for this plan. But it worked. As a consequence, under the Clinton administration jobs were created.

Now take a look at what this President has done. Claiming to be a fiscal conservative, this President now has us in a position where we have the largest deficit in the history of the United States. How can this be? The President will say, Don't blame me for 9/11. Don't blame me for the recession that was inevitable. Don't blame me for the war in Iraq. But the honest answer is he has to accept the blame for an economic policy that called for tax cuts during this same period, tax cuts primarily focused on the wealthiest people in America. That is what has been driving deficit numbers to a great extent. That is something for which you can blame the Bush administration.

Many of us believe a tax policy that would have helped smaller businesses, family farmers, and individuals struggling to pay the bills for their families could have put real juice in this economy, as the Senator from California suggested, rejuvenating it at the right level at a lower cost.

To give to a person making over $200,000 a year another $5,000 or $10,000 or $20,000 is gilding the lily. Their life is pretty comfortable. To give them $20,000 more means more stocks purchased, more money invested. But it is not the same kind of expenditure as when you give $5,000 to a working family which turns around and says now we can consider the downpayment on a car, we can get the washer and dryer, a little remodel job on the kitchen, we can put the money away for our son and daughter for a college education, we can make sure we are planning for a brighter future for our family. It is the difference between night and day.

There was a moment in a movie, which was controversial, called ''Fahrenheit 9/11.'' President Bush was speaking to a group. I don't know where it was located. He was on film. He was in his tuxedo and the people all around him were in tuxedos, and he said something along these lines: Some people say you are the upper last class. They call you the wealthy. They call you the upper level. But I call you my base.

It was supposed to be a humorous line, but there was more truth than humor. The President has served his base well with his economic policies. He has said to those people who are well off: You are my first priority. His economic policies have been directed to help them, time and again, at the expense of working families, at the expense of the worst deficit in our history.

So we have a choice. We have a choice to make on November 2. More of the same? Continuation of this policy, risking more jobs lost, putting more burdens on working families?

Take a look at the long-term unemployment in this country. The long-term unemployment in 2000 was 649,000 people. Now it is almost three times that amount, 1.7 million people. Long-term unemployed, meaning they have tried and tried and cannot get back to work.

Take a look at who is better off because of the policies of the Bush administration. These charts tell you what happens here. The household income in America is down, under the Bush administration. If you think you are pedalling faster and not going any farther, this chart tells you why. You may be making a few more dollars, but the cost of living for working families has gone up.

How have the CEOs at the major corporations done under the Bush tax policy, the people making dramatically more money than the people working in the office and factory? The CEO compensation went up 20 percent. Take a look at the HMOs, the insurance companies that have been protected by this administration. Their profits have been up 84 percent.

Do you think you are paying more for gasoline today than you were 4 years ago? This is the chart: $1.47 was the average price of gas in 2001. The average price of a gallon of gas in 2004 is $1.92. And when we hear the price of a barrel of oil is over $50, it may be a good thing for the oil companies, but it is bad news for American families and a lot of businesses.

Why are these airlines going into bankruptcy one after the other? I was on a plane the other day—United. At the end of the flight, as we landed, the flight attendant came on and said: Thank you for flying United. I know you had a choice of many companies that are in bankruptcy or near bankruptcy. That is what he announced to the passengers. Everybody kind of laughed, but it is a sad reality.

The cost of fuel, the cost of oil, and our dependence on foreign oil instead of an energy bill that moves us toward independence have left us vulnerable as an economy and left American families vulnerable paying for the bills.

Where is the leadership? Do we really need 4 more years of wrong decisions like these, decisions that would not challenge the Saudis and their oil supplies and instead say America is going to move forward to energy independence so we can't be held captive by OPEC and the Saudi Arabian oil cartel? That is the difference. That is the case.

We are suggesting there ought to be a better vision for America, and move us away from dependence on Mideast oil, move us toward an economic policy to give working families a fighting chance. You haven't seen it for 4 years.

Tonight, this administration through the President is going to try to justify some of the harsh realities.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator REID be granted the hour which will come to me postcloture.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. We object.

Mrs. BOXER. I ask unanimous consent that it be yielded to Senator DASCHLE.

The PRESIDING OFFICER. Is there objection?

The Senator has the right to give it to Senator DASCHLE under the rule.

Mrs. BOXER. I make that point.

As I listened to my friend in his usual way of kind of tying together the pieces and as we get ready to watch our Presidential candidate tonight, I am wondering if my friend is beginning to see a pattern by this administration which is kind of just coming in.

Mr. REID. Mr. President, will the Senator yield for a parliamentary inquiry?

As manager of the bill, am I not entitled to be given by the Senator from California 1 hour of time? As manager of the bill, as I understand it, I have the right to be yielded 1 hour of time by any Member.

The PRESIDING OFFICER. The Senator is correct and the Chair was in error, not realizing that Senator REID was the manager of the bill on this side of the aisle. The Chair apologizes to the Senator from California. She has a matter of right to give the hour either to Senator REID or Senator DASCHLE.

Mrs. BOXER. Mr. President, I might say that I am going to give my hour to Senator REID.

Mr. REID. Thank you, Mr. President.

Mrs. BOXER. I am sorry for the interruption.

As I hear the Senator from Illinois talk—and I think back to the first debate where I believe all of America now knows there was no plan for Iraq following the stunning military victory. There was no plan for after that military victory, and we are paying a heavy price. I have come to this floor and eulogized those being lost.

There is no plan for Iraq.

By the way, that was pointed out not only by Democrats such as Senator KERRY, Senator BIDEN, and Senator DODD, who sit on the Foreign Relations Committee, but also by Senators LUGAR, CHAFEE, and HAGEL, who also sit on that committee. There was no plan.

I am asking my friend, as we look at the disastrous factual statistics on this economy, whether he believes there really was a plan as to how we were going to continue the Clinton administration record on job creation, stem the loss of manufacturing jobs, and stem the loss of outsourcing jobs, which, shockingly, people in this administration say is good for our economy. Was there a plan? Was there a plan to make sure that health care premiums would be affordable for our people? Was there a plan to lower prescription drug prices for our people through importation? Was there a plan for gas prices? My God. My friend put up a chart—$1.81 average. People in California would be thrilled at $1.92 a gallon. We are looking at $2.30, $2.40, $2.20, $2.50 a gallon. When the Senate voted in a bipartisan way to beg this administration to stop filling the Strategic Petroleum Reserve so we could put downward pressure on the prices, nothing has really happened.

To conclude my question, I am beginning to see a pattern of kind of a ''flying by the seat of your pants'' administration where there is no plan to make life better for people, whether it is our men and women in uniform in Iraq, whether it is our consumers, our middle-class families, working families, and all of our families in regard to health care and gas prices.

Could my friend comment on that bigger picture?

Mr. DURBIN. I would be happy to respond to the question.

First, Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 21½ minutes remaining.

Mr. DURBIN. Mr. President, let me say to the Senator from California that she has really come to the heart of the problem. The President said in his first debate that being President was hard work. He said that over and over again. This is hard work. This is hard stuff. These are hard things to do. I don't doubt it. Being President of the United States may be the toughest job in the world. But sadly, the President, despite the hard work he has experienced, doesn't understand the hard work families have to go through just to make ends meet. If he were a little more in touch with these families and their own struggles, he would understand why we need a man or a person in the White House standing up for them and understanding the challenges families face every single day. And it hasn't happened.

The Senator from California mentions outsourcing. It is true. The head of the Council of Economic Advisers in the Bush administration sent a report to Congress saying that the outsourcing of jobs was a positive, a good result; sending jobs overseas was good. He explained that that would mean more competition and lower costs, completely overlooking the obvious. When a good-paying job leaves America, it is not likely the person who lost it is going to get another good-paying job, or get it soon. It is likely that that follow job is not going to have the same level of benefits for the person who just saw their job outsourced.

This administration plays by a strange economic textbook. That economic textbook calls for total free market forces despite the consequences. Even under this administration, the President has seen what the free market unbridled can lead to.

I put as exhibit A Enron. If you do not have a government through its President and regulatory agencies keeping an eye on some corporate activity as we keep an eye on individual activity, terrible things can occur—and they did occur in Enron, a business that defrauded a lot of innocent people out of their life savings, not to mention misrepresentations made in terms of the status of that business and the impact it had on so many other businesses. But this President steps back every time someone suggests that he needs to stand up to free market forces that are not serving America. He will not stand up to pharmaceutical companies that are overcharging Americans. He wouldn't let the Medicare agency bargain for lower prices. No. Let the free market work its will. The free market is working its will at the expense of a lot of senior citizens and families who can't afford their prescription drugs.

Did the President get on the phone as he promised as a candidate and call the OPEC cartel when they were holding oil off the market and driving up prices in America? No. Let the free market work its will. You know what happened. Gasoline prices have gone through the roof, airline fuel prices have gone through the roof, and America's economy has suffered. More jobs are being lost, more airline employees are being laid off, and we see businesses dependent on fuel struggling across America.

When it came to a tax break, did this President take into consideration that the cost of a college education is going up more than 20 percent a year in many institutions and that families with bright students who want the best chance in life just can't imagine their son or daughter graduating with $100,000 in debt and a diploma? Did the President think about that when he decided to look at the Tax Code to help families? No. No, there was no provision in there for the deductibility of college education expenses. The President said to let the market work its will at the expense of many of these families.

Langston Hughes once referred to the group of people that I am talking about. He called them ''people for whom life ain't been no crystal stair.'' He was a person who understood that people get up every morning and struggle—struggle to keep their family together, struggle to make ends meet, struggle to try to believe that their kids will be better off than they are. These families would like to believe there is somebody someplace in Washington who cares, someone who understands we are headed in the wrong direction in this country in so many instances.

We are losing jobs. We are seeing important jobs outsourced. We are seeing our deficit at record levels. These are the harsh realities.

The Senator from California says it does not appear that this administration has a plan. In many instances, it

does not appear this administration has a clue. It is as if the President, with those auditoriums filled with thousands of fans, does not take the time to step outside the auditorium and talk to an average family about what they are going through as their cost of health insurance goes up and the cost of living goes up as well.

IRAQ

I will use my remaining time of morning business to speak to the other issue brought up by the Senator from California. That, of course, is the situation in Iraq.

We had a report through the Senate Intelligence Committee and Senate Armed Services Committee this week from Mr. Duelfer who went back to Iraq and for the second time spent months and millions of dollars to look for weapons of mass destruction. He came back and told us they are not there. We cannot find them.

Think about that. Think of how often President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Powell, and others told us we were in imminent danger from an attack from Saddam Hussein because of arsenals of chemical and biological weapons and the rebuilding of the nuclear weapons in Iraq. That was the justification. That is why we had to invade. That is why we could not wait. And it was all wrong. Totally wrong.

Now comes the administration saying, no, it was not really about weapons of mass destruction, despite the fact they said that then over and over again. It was the fact that Saddam Hussein could not be trusted and was an evil man. It was about the fact he may have had the desire—the new word, ''desire''—to build weapons of mass destruction and it really was about the Oil for Food Program in Iraq.

Really? Go back and check the tape on statements made by the President as to why we had to send our Armed Forces into harm's way. The statements made by the President do not quibble: weapons of mass destruction, yellow cake, uranium coming into Iraq, linkage between al-Qaida and those who were responsible for September 11, al-Qaida and Saddam Hussein.

Now, today, that evidence, that case, has evaporated. It is gone after millions of dollars have been spent desperately trying to find evidence of one weapon of mass destruction.

Trust me, those who are following this debate, had this administration found a tiny shred of evidence of weapons of mass destruction, it would have been front page news around the world. They could not find a thing.

The intelligence was bad. The reasons for going to war, given to us by the President, was just plain wrong.

Where are we today? Mr. President, 140,000 of our best and brightest, our soldiers, marines, our airmen, those in the U.S. Navy, our guardsmen and reservists, got up this morning in Iraq and went to do their duty and risk their lives for America. Over a year and a half after our invasion of Iraq, there is no end in sight. They say we hope someday soon to have elections. We are not quite sure how much of Iraq will be safe to vote. We hope to have an election and we hope to have the Iraqis take over. Those are two good goals. I hope we can reach them.

But we have to acknowledge the obvious. This administration was not prepared for the war in Iraq. They were prepared for the invasion. Our troops did a masterful job in a very short period of time. But this administration was not ready for what followed. Isn't that the most basic thing to ask of a Commander in Chief? Don't send my son or your son into battle unless you are prepared to give that soldier everything they need to be safe, to win, and to come home. This administration was not prepared.

I know that because for the last few months I have spent time on behalf of Illinois soldiers, demanding they have body armor to protect themselves in Iraq, one of the most basic things one would think we would provide, demanding we have armor plating on Humvee vehicles so as they travel across Iraq they do not fall prey to the homemade bombs and rocket-propelled grenades, demanding we put the necessary defensive equipment on helicopters so we will not have Guard and Reserve and Regular Army helicopters shot out of the sky because they were not properly equipped.

Why would I be doing this, a year and a half after the invasion, after giving the Bush administration every single penny they asked for to execute this war? I am doing it, and many others in the Senate and Congress are doing it, we are doing it because this administration was not prepared for the war in Iraq.

The losers are over 1,000 American soldiers who have lost their lives, and the 7,000 bravely wounded. I have met many going to a veterans hospital, Jefferson Barracks, right outside of St. Louis, meeting a young soldier, quadriplegic as a result of injuries sustained in Iraq; going to Walter Reed Hospital to meet these brave young men and women who have lost an arm, a leg, both hands, suffered head injuries. They are there with their families trying to put their lives back together, still proud of their service to this country, as they should be.

But as you walk away from the hospitals, you think we could do more. We should have been ready. We were not ready. But we could not wait. We could not wait for the U.N. inspectors to finish. We could not wait for a real coalition to come together—taking nothing away from the coalition we have, let's be honest. When you pick up the morning paper, the casualties, the soldiers who have lost their lives are overwhelmingly American soldiers. I am glad the Brits are with us. I am glad another 30 nations have given us some assistance in this regard, but when it comes to putting lives on the line in Iraq every single day, trust me, it is America front and center. And it has been for a long, long time.

When it comes to paying for this war, it is the American taxpayers front and center. We have spent over $1 billion a week on the war in Iraq and there is no end in sight. We appropriated almost $20 billion to start rebuilding Iraq and we are not spending it. Why? It is a vicious circle. Let me tell you what it is.

You cannot stabilize Iraq until you move the economy forward. You cannot move the economy forward until you build basic infrastructure such as electricity, and you cannot build basic infrastructure if you have insurgents and terrorists and guerillas blowing up everything you build. This vicious circle suggests there is no end in sight.

So the President has driven our national bus into a cul-de-sac and now challenges Senator KERRY to explain how to get out of this mess. A lot of us think that even giving the President the authority to go forward, he should have been prepared. He should have known what we were getting into.

Ambassador Bremer said, within the week, we did not send enough troops there. Had the right number of troops been sent at the right time, it could have been a more peaceful environment, but instead it is dangerous and American soldiers are still living in fear of what is going to happen from day to day.

At the same time, we turned our back on the obvious target, Osama bin Laden. I went to Afghanistan in the first codel with Senator DASCHLE, the first daylight codel that was allowed into Afghanistan, to Bagram Air Force Base, to a closed briefing by our intelligence agents about Osama bin Laden. They put up this huge aerial photo of the Tora Bora Mountains and they drew a tiny circle on the map. They pointed to all Members of Congress and the Senate and said: This is where Osama bin Laden is and we are going to nail him. This tiny circle.

I left there thinking, great, that will break the back and the morale of this terrorism network of al-Qaida. But it didn't happen. The Bush administration did not execute it well. They did not bring in the troops. They did not capture Osama bin Laden. He is not only still on the loose but al-Qaida is spreading like a cancer across the globe.

Where is our coalition to fight al-Qaida? It is the coalition that was stiff-armed by this administration when it came to the invasion of Iraq, when the President said, We will do it alone. We do not need you. Bring it on.

Remember when the President said, ''Bring it on''? Well, they brought it on and, sadly, we have a lot of soldiers who have sacrificed so much for their country because of it.

We need to turn this corner. We need to have a new vision. We need to have a leader who will reach out to the world and reestablish America as a leader willing to work with others, not

that any country should ever have veto power over our national defense. That is our call. That is our decision.

But we know, as President Bush's father knew, that it is a coalition of nations that makes us stronger. When we decided in the Persian Gulf war to bring Arab nations and their soldiers into that war as part of our coalition, it did not just add more soldiers in the field, it added an element that is missing in this war in Iraq.

Why are we being criticized so roundly in Arab States? Because we went into Iraq without waiting for those who could and would have helped us. This President could not wait, and now our soldiers are paying the price. I hope the American people make a decision to move forward with a new vision for this country, not to repeat the same mistakes again and again.

We have made mistakes when it comes to our economic policy, and we have paid a dear price for it. We have made mistakes when it comes to our agenda in Congress. We do not take up the serious bills that America's working families expect us to take up. We have generated the biggest deficit in the history of the United States to leave our children. We have the costs of war that are over $1 billion a week, and no end in sight. And, sadly, we are still losing our soldiers.

I was on the phone yesterday, as I have tried to so many times, to call the families of Illinois soldiers who have died overseas. I have not been able to get through to all of them, and I can understand some of them just don't want to take phone calls. That is understandable. And each and every one of them is a profile in courage. They are so proud of their son or daughter who has lost his life or her life in Iraq, and they are proud they served their country. I am, too. But I also want to take some pride that we have policies that are going to reduce the likelihood that more soldiers will end up losing their lives.

This administration has been in total denial about the reality of the threat in Iraq, total denial about the reality of what continues as a war in Iraq, total denial when it comes to understanding that we have lost a worldwide coalition that stood by our side after 9/11 and now wonders why the United States wants to go it alone.

I want to make certain, as I end these remarks, that we understand that in this great Nation we live in, we do have a chance to make a choice. And that chance will come on November 2.

Mr. President, it is my understanding that as part of my unanimous consent agreement, that when I finish and yield the floor, a quorum will be questioned.

The PRESIDING OFFICER. The Senator has to actually suggest the absence of a quorum.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Texas wishes to speak for 20 minutes as in morning business. The time will count toward the 30 hours. Following that, Senator DURBIN, who has already used his hour, or his designee, would be recognized for 20 minutes to speak as in morning business. That time would also count against the 30 hours. That is the request for which I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, can I ask the distinguished Democratic whip if from the 20 minutes allotted to our side I could consume 10 minutes, and then Senator TALENT be recognized to speak for 10 minutes, and then Senator DURBIN be recognized for his time?

Mr. REID. Absolutely. And that following Senator DURBIN, or his designee, we will return to a quorum call.

The PRESIDING OFFICER. Is there an objection?

Hearing none, it is so ordered.

The Senator from Texas.

AMERICANS ARE STRONGER, SAFER, AND BETTER OFF

Mr. CORNYN. Mr. President, I was sitting in my office watching on television the proceedings in the Chamber, and I was inspired to come to the Chamber to respond to some of the comments I heard on the Senate floor. I expected to be watching debate about reform of the oversight that this body provides for the intelligence community and homeland security but instead watched what appeared to be part of the Presidential campaign playing out here on the Senate floor.

I just want to respond to some of the things that I heard, and not at great length. But I think in fairness to the American people they should not be fed just one side, which I think is fraught with inaccuracies. So I think a few facts are pertinent.

First of all, I would say that after listening to the distinguished Senator from Illinois, you would wonder why in the world anyone would want to live in the United States of America today because things are so bad we might as well give up and depart for somewhere else. And you may have noticed, Mr. President, people are not knocking down the door to leave the United States of America because somehow we are no longer the land of opportunity and freedom and hope.

Indeed, just the contrary is true. People are literally dying to get into the United States by any method they can because they recognize that America still is the last best hope of freedom-loving people anywhere in the world.

For example, we heard some very dire statements made about job figures. Well, it just so happens that since August 2003, we learned today, 1.9 million new jobs have been created in the United States of America—1.9 million new jobs. That is not because the Government created the jobs, but it is because Government created the conditions that allowed the risk takers and the hard-working people all across this country to create jobs, by investing and building opportunities for those who wanted to find work.

Now, the truth is, as we all know, we came out of a very difficult time at the beginning of President Bush's first term in office when he started his Presidency because during the end of President Clinton's term we were going through a recession. The recession had just started then. Then we know that the terrible events of 9/11 followed on shortly thereafter, with tremendous negative impact on our economy in addition to the terrible loss of human life.

Then there were the corporate scandals at the highest level of corporate America which caused the public to lose confidence in the marketplace.

Thanks to the efforts of this President and this administration, this Congress, thanks to the fact that we lowered taxes for hard-working men and women, it allowed them to save more, invest more, and for small businesses to create more jobs. Indeed, we are coming back with 1.9 million jobs being created since August 2003.

If we had agreed with our colleagues on the other side of the aisle about what course to take, the recovery would have been killed in its infancy because their solution was to raise taxes, not to lower taxes and let people keep more of what they earn. Yet what they want to do is play the card of class warfare and accuse this President and this administration of favoring part of the population, the wealthiest, over the rest of America.

The fact is, the tax cuts that were passed by this Congress affected every taxpayer, lowered the tax rates for even those of the most modest means, and are responsible for creating 1.9 million jobs.

We continually hear criticism about this President's policy in Iraq and in the global war on terror. Our colleagues on the other side of the aisle have a short-term memory because the only reason we took Saddam Hussein out of Iraq, as the bloodthirsty dictator that he was, and put him in a prison cell, is because of the authorization of this Congress. An overwhelming

majority of the Members of this Congress, of this Senate, voted to authorize the use of force in October of 2002, to enforce U.N. resolutions which Saddam Hussein had defied since 1991.

I was at the same Senate Armed Services Committee where Mr. Duelfer testified a couple of days ago. While he confirmed that the intelligence the President relied on and this Congress relied on with regard to weapons of mass destruction proved not to be correct—and we are working in this bill to correct those deficiencies in our intelligence gathering and analysis capability—he did confirm Saddam Hussein had corrupted the Oil for Food Program, was evading sanctions, chased the inspectors out of his country because he didn't want them to know he was in the process of rebuilding his capacity to rearm himself with weapons of mass destruction as soon as those sanctions failed.

Indeed, former Ambassador Paul Bremer, who served as the head of the coalition efforts to rebuild Iraq, said:

> The president was right when he concluded that Saddam Hussein was a menace who needed to be removed from power. [The president] understands that our enemies are not confined to al Qaeda, and certainly not just Osama bin Laden, who is probably trapped in his hide-out in Afghanistan. As the bipartisan 9/11 commission reported, there were contacts between al Qaeda and Saddam Hussein's regime going back a decade. We will win the war against global terror only by staying on the offensive and confronting terrorists and the state sponsors of terror—wherever they are. Right now, Abu Musab al-Zarqawi, a Qaeda ally, is a dangerous threat. He is in Iraq.

I hope those who listen to the debate and the politics of this season and the attempt to score political points by criticizing this Nation's policy with regard to the global war on terror understand exactly what is going on. We are in the silly season, where sometimes the statements being made in pursuit of scoring political points stray way too far from the facts.

The fact is, America is stronger and safer and better off as a result of President Bush's leadership and as a result of the leadership of this Congress. We have created opportunity for more Americans. America is more secure than we were on 9/11. We are constantly working, including here today, to make it safer. We have created 1.9 million jobs since August 2003 as a result of the policies of this Congress and this President. If we had accepted the rationale of our colleagues across the aisle and raised taxes and let spending run amok, then we would still be in very dire straits, indeed, and not on the road to recovery.

I yield the remainder of the 20 minutes allotted to our side to the Senator from Missouri.

Mr. TALENT. I thank the Senator for yielding.

Mr. President, how much of the 20 minutes remains?

The PRESIDING OFFICER. The Senator from Missouri has 11½ minutes.

Mr. TALENT. Mr. President, if the Senator from New Jersey would agree, I ask unanimous consent for an additional 5 minutes, and I would, of course, agree that he could have an additional 5 minutes, if we could modify that previous unanimous consent request.

Mr. LAUTENBERG. Speaking for our side, is the Senator asking for 5 minutes from our remaining time?

Mr. TALENT. No, 5 minutes in addition to my 11 minutes, and then my request would be that you would have an additional 5 minutes, for a total of 25.

Mr. REID. Parliamentary inquiry, Mr. President.

Mr. TALENT. Under the same parameters as the unanimous consent request of the Senator from Illinois, I ask to extend the 20 minutes to 25 minutes on each side. I think I can do what I need to do if I have about 15 minutes.

Mr. REID. As I understand, the Senator from Missouri would be recognized for 15 minutes, and Senator DURBIN or his designee would be recognized for 25 minutes.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that Senator LAUTENBERG be the designated substitute for Senator DURBIN.

Mr. TALENT. If the Senator from Nevada will yield, it is only a minute, but a minute is a minute. I think I had 11, so an additional 5 would be 16 minutes.

Mr. REID. And further, the consent agreement said that following the statement of Senator DURBIN or his designee, we would return to a quorum call.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

The Senator from Missouri.

Mr. TALENT. I thank the Senator from Nevada. I don't mean to quibble over a minute. On the other hand, the Rams would probably have won the Super Bowl a couple of years ago if they had had another minute, so one never knows.

Mr. REID. Mr. President, if my friend would yield, those of us who served in the House know how important a minute is.

Mr. TALENT. And the Senator knows, I also served in the House and came from there more recently than he did. I do guard my minutes jealously.

Mr. REID. In the House, how we got to speak was, we were entitled to 1 minute a day. We were always guaranteed 1 minute a day. But most of the time that was all we got all week long, that 1 minute a day.

Mr. TALENT. The Senator has had a similar experience as I have. Having prepared a nice set of remarks on issues about which he feels passionately and gone to the floor manager in the House and asked how much time he could have and being told: Well, a couple of other people have expressed a desire for time; how about 90 seconds.

The PRESIDING OFFICER. Speaking from the Chair and the observation of the Chair, I never served in the House, and we might observe the same rules here some days.

Mr. TALENT. I thank the Senator from New Jersey and the Senator from Nevada for their flexibility. I will proceed with my 16 minutes as best I can.

Mr. President, I share the observation of the Senator from Texas that our friend from Illinois is certainly very angry and seems to be rather negative about the prospects for America. He would probably say he is negative about the administration, but he seems to describe an economic and foreign policy picture that is very bleak. I don't think it reflects reality or what most Americans believe is reality. I am certain it does not reflect the views or the policies of the administration.

I do think it is important to get some of these charges correct. I don't have time to go through everything. I want to talk about a couple of things that have interested me. I don't generally get up here to participate in these debates that are clearly part of the Presidential campaign. I am here to try and do things. I have an agenda I am trying to accomplish, and others share it.

I was distressed when the Senator from California referred to some of the remarks of the Senator from Utah and said: Talk about flimflam, talk about misleading the seniors.

That was with reference to the Senator's comments regarding the Medicare prescription drug bill, which I happened to rather like and I supported. It is already helping thousands of Missouri seniors, and I don't think that is flimflam. I will get to that in a minute.

The Senator from Texas correctly pointed out that when the whole issue of jobs lost over the last few years comes up, it is important to keep in mind, before blaming President Bush, that President Bush was not in office when the recession began. Americans all across the country understand there is something called a business cycle, an economic cycle in the country. I don't tend to blame Presidents for recessions. I blame them if they have long-term policies that depress the economy over the long term.

I agree with the Senator from Texas, if you want economic growth—and we should all want that because we cannot do anything we want to without growth; we cannot fund education, we cannot have good health care, or a strong defense, and we cannot have retirement security without growth.

How do you get growth? Our Democrat friends believe you get it by raising taxes on people. What the Senator from Illinois said—they didn't used to think that. There was a time not so long ago when there was a bipartisan agreement that, if you wanted growth, one of the things you did was cut taxes. That is not some kind of modern conservative philosophy. That is what John Maynard Keynes thought; that is what FDR thought; that is what LBJ and JFK thought. But they don't believe that today. They are entitled to

their beliefs, but they are not entitled to blame President Bush for a recession that was in effect and had started before he assumed office and was magnified by events over which he had no control—the attack on 9/11 and corporate fraud.

I don't blame any President for that either, but it didn't happen on President Bush's watch. He took steps to get the economy moving. He proposed a tax cut, which we passed despite the opposition of many—although not all—Members of the other side of the aisle. He proposed tort reform, restrictions on abusive lawsuits, which I think is the most important thing we can do to get the economy going. That was filibustered by the other side. You can filibuster if you want to, but you cannot filibuster and then blame somebody else for not getting things done.

You heard from the Senator from Illinois that energy prices are too high. I am on the Energy Committee. It is one of my priorities to get energy prices down. We put together a really good Energy bill. We got it all the way through the process, with one vote left. We could not take that vote. Do you know why? It was filibustered. Is it President Bush's fault that the Energy bill was filibustered—a pro-production, pro-jobs, pro-growth Energy bill?

Many Members on the other side joined us in trying to defeat the filibuster, but there were not enough. We lost three-quarters of the other party. Senator KERRY voted for the filibuster.

Iraq. We hear over and over again that there was no reason, no plan, no coalition. There was a reason and it goes back to 1991. I remember during the 1990s, when people criticized the first President Bush because he didn't get rid of Hussein. He was trying to appeal to the U.N., and he left Saddam Hussein in power.

I was in the House all through the 1990s on the Armed Services Committee. This man and his regime was an organic threat to the interests and security of the United States of America. Everybody saw it. He had attacked his neighbors twice, lobbed missiles all over the country. He used weapons of mass destruction on his own people. We cannot permit an anti-American tyrant to take control of that part of the world.

I believe very strongly that President Clinton was moving toward a resolution of that when he left office. Look at the statements he made then and the statements he has made since then. Even if there had not been a 9/11, we would have had to do something about Saddam Hussein and, no, we could not wait longer. How long are you supposed to wait? At what point do arguments in favor of waiting really become just a disguise for doing nothing and not wanting to admit it?

No plan. The plan was to remove Saddam Hussein and replace him, with the help of the Iraqi people, with a liberal democracy that would be an ally against terrorism. Saddam Hussein is gone. We have had the provisional convention. We have a provisional government in place. We are going to have elections in January. Prime Minister Allawi stood on the dais in the House and said that. He also said: We are going to stand with you. He said—I remarked on this—''as you have stood with us, we will stand with you in the battle against terrorism.''

No coalition. Look, this kind of a military effort, no matter where it occurs, and whether the U.N. supports it or not, is going to be 95-percent led and executed by forces of the United States of America. In the air war in Bosnia, which everybody supported, even though there was no U.N. resolution in support of it, 95 to 97 percent of the airpower was American.

There is one very important coalition partner—the Iraqis. It is incorrect to say that 90 percent of the casualties have been American. We have taken casualties, but they are taking them too, and they will take more and more as they assume responsibility for this war.

The Medicare prescription drug bill. The Senator from Illinois says it is a terrible political conspiracy on the part of the President to delay the full implementation of the bill until after November 2004. Nobody's proposal would have been implemented before November 2004. I didn't like that. I complained about that. I thought, well, in 1965 they did the whole Medicare bill in 8 months. Why does it take so long to set up one new feature? Everybody believed that. There were not any of their proposals that would have taken effect before November of 2004. I don't like that, but that is not a political conspiracy. I don't know if the Senator from Texas heard that. I had not. You cannot bargain.

Look, this is the reason for the Medicare prescription drug bill—and I have 200,000 senior citizens in Missouri who have no insurance for their prescription drugs. They are paying not only out of pocket, which is the first thing that is wrong, but they are paying the highest price because when they walk into the pharmacy, it is them against the big insurance companies. The whole idea is to get them into a pool because if you are part of a big pool, you have economies of scale and prices will be lower. That is what this bill does. I don't have time to go into length on this issue.

The bargaining with the prescription drug companies is going to be done by the organizations that put the pool together—like we have discount cards, one, for example, that AARP puts out, and AARP bargains with the prescription drug companies and you buy the AARP discount card and you get the discount. People are getting that discount today.

If I go to the car dealer and buy an automobile, I may bargain with the dealer about the price of the car. I am not going to bargain about the price of the tires on the automobile. That doesn't mean there was no bargaining over the price of the tires; it means the automobile manufacturer did it. The difference between us and them on this—and it is a legitimate difference—is they want a one-size-fits-all, Government-dominated program where the Government would directly do the bargaining with the drug company.

There are worse things than that. We thought ours was better. We wanted a number of different options for seniors, where the people who organized the options would bargain with the prescription drug companies. It is a difference of philosophy because they are more trusting of the Government than we are. It is not some kind of conspiracy with the drug companies.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 6 minutes 32 seconds.

Mr. TALENT. I think I can do it in 6 minutes.

This is the reason I got up. President Bush actually has a plan to lower health insurance premiums. It is a pretty good plan. It is my plan. He kind of got it from me and Senator SNOWE and Senator BOND and a couple of us over here, those of us who have worked on this since 1997 when I was in the House. I don't like people saying my plan is not a plan.

President Bush wants two things. He wants medical liability reform—reform of frivolous lawsuits in medicine. In Missouri, they know about this because we are losing doctors because malpractice insurance premiums are going up due to a problem with frivolous lawsuits.

The Senator from Texas told me they just passed a bill to reform that and their health insurance premiums are going down substantially, and I know this is happening all over the country. If you cut that risk of the frivolous lawsuits, where people are recovering many more times the value of actual injuries, insurance premiums will go down. President Bush wants that. We didn't get that here because it was filibustered. His opponent in the election supported the filibuster.

How can you say he doesn't have a plan? You can say you disagree with the plan if you want—you filibustered it. The plan I have that the President supports is called the association health plan.

Most of the people who do not have health insurance in the country are working people. They work for small businesses or are farmers. They cannot get health insurance because it is more expensive to buy health insurance as part of a small group than it is as a big national pool.

There is a reason everybody else who has health insurance, except people who work for small businesses, get in as part of a national pool. Think about that for a minute. You work for a big company, you are part of a big labor union plan, Medicare, a national pool, Medicaid, a national pool. You are a Federal employee, retired Federal employee, retired military, you get it as

part of a national pool because there are economies of scale to insuring a large group. Administrative costs are less, and the bargaining power is more. You get more for less. You get better quality health insurance at less cost and no sacrifice of access or quality.

What I would like to do and the President would like to do is allow small businesses to do the same, to get health insurance through their trade association, so that my brother—and I have mentioned him on the floor before—who has a little restaurant in St. Louis—and I encourage anybody within the sound of my voice to patronize it; great hamburgers, Mr. President—he would like to get health insurance for his people as part of a big group. He would get it then. He is an employee of his corporation, his little business. He has to buy it on the small group market. But what if he could join the National Restaurant Association and become part of a 10-, 20-, 30-person pool and get health insurance on the same terms as if he worked for Anheuser-Busch headquartered in St. Louis or Hallmark headquartered in Kansas City. The health insurance premiums would go down 30 percent, at no cost to the taxpayers because it is not a Government program. It empowers small businesses to do what big businesses can do.

We hear over there how they do not like big business. They are not supporting this. It has passed in the House year after year with bipartisan support. The President supports it; his opponent does not.

Mr. President, look, there are differences between President Bush and Senator KERRY. The nature of our elections, unfortunately, is our candidates—and I can assure voters of this—are never as bad as they make each other out to be. They are both better people than you would believe from the commercials, but there are big differences of opinion. And I am proud of the fact that with the support of many people on the other side of the aisle, my party in leading this Congress and my party's leader at the White House has proposed a series of measures that empower small businesses and farmers that create jobs, that lower health insurance costs in innovative ways that will not cost the taxpayers a lot of money, that has built up our defenses, has taken the fight to the terrorists and has stood with respect but clearly for the commonsense cultural values of this country.

I would say in each of those areas, there is a big difference between my party's nominee for President and the other party's nominee, as much as I respect him and as often as I have worked with him on various issues in the past. With the greatest respect to the Senator from California and the Senator from Illinois, that ''ain't'' flimflam. That is not misleading anybody. That is the way it is. If we are going to debate out here on the floor regarding the Presidential election, we ought to at least get it right.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

IRAQ

Mr. LAUTENBERG. Mr. President, I will use our time to discuss a couple of subjects, one of which relates to the present debate or dialog, and that is the position of our respective parties on behalf of the interests of the American people. After that, I will talk about the terrible attack that took place in Egypt against a group of Israelis and what the world is saying about events such as that.

First, what we heard in the debate a little while ago was the fact that the reason, as I heard it—and I am willing to be corrected if wrong—that one of the reasons we went to war in Iraq was a resolution that was passed in this body, in the Senate—talking about the resolution that was passed in October 2002—giving the President authority to send our troops to Iraq. That hardly was the reason we did that.

We did not mandate in this body that we go to war. What we said was: OK, Mr. President, if you know about those weapons of mass destruction, and if you know that al-Qaida has a presence there, and if all of these threats are directed at world peace and a threat to the security of the United States, we give you permission, we give you support to send them.

We never relinquished our support for the troops in Iraq, nobody here, not even the most tranquil of the personalities. Everybody said: Take care of our troops. Senator JOHN KERRY stood up and said: Take care of our troops.

I was not in the Senate at that particular moment, but I have been back here again since the beginning of 2003. There was never a moment when it was suggested that we would not support our troops and their needs, the basic things.

So when we were told that all these threats were there, that we have to do it to protect ourselves, that 9/11 was fresh in our memory, that we felt we had to get out there before we had another 9/11 thrust down our throats that would kill more Americans, we said: OK, let's do it. Let's go ahead and make sure that we wipe out these things that menace America's population, that menace American citizens.

That was the reason we did it. Then we found out that we were duped. That is what happened. We were fooled. We were misled, and now everybody knows it. Yes, Senator JOHN KERRY had the same information President Bush had. The fact is, Senator JOHN KERRY did not manipulate the information, did not make sure that people were identifying tubes and pipes as part of the threat that Iraq raised to us and to world peace.

Much of that was, if not fabricated, tainted, biased. Some of our most distinguished Government servants, our distinguished Secretary of State Colin Powell, made such a convincing argument in front of the U.N. and in front of the world at large about where these weapons were stored, how they were transported, and so forth. And all of us—I speak for myself—have faith in Secretary Powell, a distinguished soldier, great statesman, brilliant man, honest—honest. He later on said in a public release that he, too, was deceived by the information that he received.

Now when we try to suggest that we were parties to the origination of this war, it is an outrage. I felt, too—and I was not in the Senate, but I said it publicly, people were still hearing me occasionally—that I supported the thrust to go to war in Iraq because of the ominous reports we had.

It was not that we wanted to throw American lives in there. We are now about to deploy some 1,500 Guard people from New Jersey. I hope that tomorrow I will be able to be there to wish them well when they depart New Jersey. It reminds me of a long time ago when I also was transported out of New Jersey to a ship up in Massachusetts so I could go to Europe during the war. I want to be there tomorrow. They are all concerned. They are frightened. The families are frightened. Their spouses are frightened. Their kids are frightened. We are in a mess, we are in a quagmire, and the world is looking at us and listening to the messages that say we are doing well, we are prepared for the Iraqi takeover fully for the next election.

We hear, well, maybe the next election cannot be held as we thought it might be in the whole country, maybe only part of it, maybe just the part that we think is friendly.

The assertion when Prime Minister Allawi was here, the interim Prime Minister who made his speech at the joint session, that we should be assured—I heard President Bush say we should be assured that things are on the right track. In other words, do not believe what one sees in front of them. No, no. Listen to what we tell people coming from the administration. Listen to the fabrications. Listen to the stories about Senator JOHN KERRY's lack of courage, unwillingness to support the troops. There is an unwillingness that stands largely in our sight about an unwillingness to serve when the country was sending its people to Vietnam, where 58,000 of them perished on the battlefield. For Vice President CHENEY, he said, and I quote him, I think—if I do not quote him, I am sure about the general content of what he said, and that is: I had other priorities. He received almost a half dozen deferments.

President Bush's service, yes, I know, it was 30 years ago, and what does it matter? It matters because it shows character. That is what it does. It shows character. President Bush did not want to be over there where the fighting was tough, where one's life

might be at risk. No, no. He managed to have a sweetheart duty and never went to war when he could very well have, with the bravado that is now exhibited. He could have gone to war and stood alongside people like JOHN KERRY and Max Cleland, those who paid a price for their loyalty to country.

I saw a commercial running on TV this morning. I found it shocking. Widows, apparently, whose husbands perished in the Korean War were saying they did not trust JOHN KERRY's judgment because, why? It is because the Bush administration and the political operation there has succeeded in poisoning the minds of Americans.

Do not believe the fact that Senator KERRY got three Purple Hearts, deservedly, oh, no. They want to make the judgment from the White House. Those judgments were made by the medical department of the U.S. military, and they were confirmed by the highest authorities in the military.

The medals for valor, the Bronze Star and Silver Star—I served in Europe during the war and I know what it took to get those medals. It took heroism. I did not get one of those medals. I did my job the best I could. But JOHN KERRY earned his medals, and they are being questioned to try to show he is unpatriotic.

The fact that he rebelled against the purpose of the war in Vietnam after he served, boy, what kind of backbone that takes. The man knows the policy is wrong, and it turned out to be wrong, and it turned out to be a terrible loss of life, but he fought the battle. He exposed himself to danger, to death. He did it. What kind of courage that is. That is not the kind of courage we saw from a young George W. Bush, not at all, or from Vice President CHENEY. I think Attorney General Ashcroft also had a few deferments. There is a list of them.

I think the race against former Senator Max Cleland, who lost two legs and most of an arm and struggles to get out of bed every day and do what he has to—he is a courageous man and he lost because he was portrayed as soft on defense. He was portrayed as soft on defense by those who also had Vietnam deferments.

The country was in a rage, with demonstrations all over the place, but JOHN KERRY took up the challenge and went to war.

So now when I hear these spurious assertions that one cannot trust JOHN KERRY, well, I will say, if I was lost in the woods and had a choice between JOHN KERRY or George W. Bush getting me out, I know JOHN KERRY can make a decision. I know he can find his way. I know he can survive when the going is tough. I know he had the guts to reach into the water to pull out one of his companions who was likely to drown and saved his life. The man says so all over the place.

I think the country would be far better off if we followed JOHN KERRY's courageous character and tried to find a way out of the mess. We are almost a year and a half after President Bush declared the mission was accomplished. It is almost 18 months ago but more importantly it was more than 800 lives ago. We have now lost over 1,000 people and more than 800 of them since May of a year ago, and they are still trying to portray what the President said as gospel: mission accomplished.

He said, bring them on. Boy, that one got to me because I know what it is like to be worried about the enemy. They shoot at you. Bring them on? I never wanted to see a German uniform, I can say that. I never wanted to see more of the enemy. I wanted to make sure I did my duty. I wanted to make sure that I got through. I wanted to make sure I got back to my widowed mother and my kid sister. That is what I wanted to do. So we never said, bring them on. I have never heard of another Commander in Chief say, bring them on.

I do not want to elongate this discussion, but I must say when I see these character assassination ads that run on television regularly, I do not hear them talking seriously about the job recovery, no, no. Some jobs are newly created but not as many as we lost.

They talk on the other side about how JOHN KERRY is going to raise taxes. Outrageous, the thought that he had voted to increase taxes. No, they would rather vote to increase the deficit and to increase our indebtedness. That is what they want to vote for. Let America owe so much money that we may one day tip the world's economy into a recession mode. That was said by former Treasury Secretary Bob Rubin, a very reliable voice. Both Republicans and Democrats had faith in Bob Rubin. He said if this indebtedness continues to grow, we could upset the world's economy, not just ours. And I believe it. Anybody who has ever been in business, anybody who has ever paid bills, anybody who has ever lived in a serious adult life knows that indebtedness is a killer. But the administration managed to turn things around. It wasn't my doing, I can tell you. I tried to help. When I left here, we were having surpluses, a couple of hundred billion dollars in surplus with forecasts of a $5 trillion surplus at the end of 10 years. That has turned around. Instead, we expect about a $7 trillion deficit after 10 years.

We have managed to take this economy and turn it on its ear, borrow from Social Security, threaten Medicare with insolvency in 15 years. By 2019, the expectation is that Medicare will go belly-up at that time. Social Security? We are borrowing everything available there. Why don't we tell the people the truth? Why don't we talk about those issues in depth?

In the debates coming up tonight and another one next week, I hope the focus will be on what kind of plans each of the candidates has. What kind of plans has President George W. Bush for getting us out of Iraq? What kind of plans does he have for getting this economy back into surplus performances year after year? What kind of plans does he have to fulfill the obligation he took on with the Leave No Child Behind Act? It is one thing to enact legislation, to create law; it is another to pay for it. When it comes to paying for it, that didn't happen.

When you think about these tax cuts, we were accused before by one of our distinguished colleagues on the other side of trying to create class warfare. That is the cheesiest thing I have ever heard. Class warfare? I happen to be in a class of income earners who did very well in America, I and two other kids who came from the same poor neighborhood that I did. Their father worked in the same mill my father worked in, and my father died at 43 from an occupationally hazardous environment. We built a huge business, a huge business. We went from nothing, three of us together, kids in their 20s, and we built a business that today employs 40,000 people. That is the old-fashioned American way. I made some money with this, as did many others who succeeded in business. We did it the old-fashioned way.

Class warfare? I come from working-class stock, and I am proud of it. But because I have been successful, because this country was the enabler that permitted me to be successful, as everybody else who has been successful here, I say I don't need a tax cut. It will not do me any more good. I can't buy more, I can't eat more, I can't do more, and I want it distributed among the ordinary people who work every day, struggling the way I remember my mother and my father did just to keep things on an even keel, to provide clothing, to provide food, to provide decent shelter. I lived in the back of the store for a lot of years, I can tell you, four of us in one room. Nobody wants to hear those stories anymore. The Great Depression is a thing of the past. But we do understand when people want to rise above their circumstances and educate their children and make sure they have a chance at a job, a career, and a family where they can afford the ordinary things of life—not the luxuries.

So we can't talk about class warfare. If there is class warfare, boy, it is over there. They say take the upper class, give them a lot of money back, and don't worry about those poor people or those who now have two jobs, who now find their purchasing power is substantially reduced, who now are worried about what it is going to cost for health care and who are worried about pensions.

I was at a hearing the other day on the financial condition of the airlines. What they want to do is to get rid of their pension obligation. If you work 26 years for an airline, a factory, or a company, work 27 years, count on your pension, and wake up one day and find out it is not there, what do you do? You are 55, 60, 65 years of age. These are terrible blights. I hope we are going to see something of the truth.

TERRORIST BOMBING IN EGYPT

Mr. President, I want to discuss another subject. I want to discuss the news we heard today of a raid in Egypt aimed at a bunch of Israelis who were there on vacation—brutalizing, suicide bombers, the whole thing. An Israeli official says maybe it was al-Qaida. Obviously it was some mad group.

What I see lately is disturbing trends regarding the various criticisms of Israel. We have seen two prominent church bodies decide to take away their investments from Israel because of Israel's—maybe it is because Israel wants to defend itself, to keep its people alive. Maybe it is because Israel wants to live as any other country—in peace, without torture, without suicide bombers ripping up the society.

The Israelis have lost over 1,000 lives since 2000. Think of it in terms of America and the numerical equivalents because their population is so much smaller. One thousand citizens of Israel would be the same as 48,000 Americans lost to terror. Heaven forbid it, but that is the truth of the matter.

Israel has taken appropriate measures to defend itself against the terrorist threat it faces every day. Israel has made tough choices to defend her people. But now we are seeing these respected, mainstream church organizations contemplating divestment campaigns against the State of Israel. I wish they would talk about ending the violence that has been the pattern there for so long. There is so much violence and strife in the region, not dissimilar to that which we are facing in Iraq.

There is a trend. You can see it in the talk of a divestment campaign—blame Israel first. The innocents killed by terrorists are ignored, but there is a disproportionate focus on civilian victims of Israeli military operations against terrorists. To blame Israel for the turmoil and violence in the Middle East is outrageous. Review some of the recent history in the Middle East, events that had nothing to do with Israel. Yet when I was in Syria with other Senators, we heard the President of Syria, President Assad, say all the problems that exist in the area are because of Israel.

Millions died in the Iran-Iraq war. It had nothing to do with Israel. In Sudan, Arab Muslims are murdering thousands of Black Christians—nothing to do with Israel. Iraq invading Kuwait in 1991 and threatening Saudi Arabia had nothing to do with Israel. The Taliban took control of Afghanistan and severely oppressed women and gave safe haven to terrorists—nothing to do with Israel. None of these events had anything to do with Israel, yet somehow or other the region's problems are Israel's fault.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 seconds remaining.

Mr. LAUTENBERG. Mr. President, with that, I will close my comments and hope the world takes a look at what is causing the problems within Israel and her right to defend herself.

I yield the floor.

QUORUM CALL

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1, Leg.]

Frist

The PRESIDING OFFICER (Mr. CRAIG). A quorum is not present. The clerk will call the names of absent Senators.

Mr. FRIST. Mr. President, I now move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays on the motion.

Mr. HARKIN. Parliamentary inquiry: Are we not in a quorum call?

The PRESIDING OFFICER. We have had a quorum call, and a quorum is not present.

Is there a sufficient second on the motion?

There is a sufficient second.

Mr. HARKIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 4, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—85

Akaka	Conrad	Grassley
Alexander	Cornyn	Gregg
Allard	Corzine	Hagel
Baucus	Craig	Harkin
Bayh	Crapo	Hatch
Biden	Daschle	Hutchison
Bingaman	Dayton	Inhofe
Bond	DeWine	Jeffords
Brownback	Dodd	Johnson
Bunning	Dole	Kennedy
Burns	Domenici	Kohl
Byrd	Dorgan	Kyl
Cantwell	Durbin	Landrieu
Carper	Ensign	Lautenberg
Chafee	Enzi	Levin
Clinton	Feingold	Lincoln
Cochran	Feinstein	Lott
Coleman	Fitzgerald	Lugar
Collins	Frist	McCain
McConnell	Reid	Specter
Mikulski	Roberts	Stabenow
Miller	Rockefeller	Stevens
Murkowski	Santorum	Talent
Murray	Sarbanes	Thomas
Nelson (FL)	Schumer	Voinovich
Nelson (NE)	Sessions	Warner
Nickles	Shelby	Wyden
Pryor	Smith	
Reed	Snowe	

NAYS—4

Allen	Breaux
Bennett	Inouye

NOT VOTING—11

Boxer	Graham (FL)	Leahy
Campbell	Graham (SC)	Lieberman
Chambliss	Hollings	Sununu
Edwards	Kerry	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. FRIST. What is the pending business?

The PRESIDING OFFICER. The Bingaman amendment has been set aside.

Mr. FRIST. Mr. President, the two distinguished whips have done a lot of work on the resolution before us through yesterday, last night, and over the course of the morning. As people have been saying, we have come to a stall period, and we really do need to refocus on the resolution itself. We are down to a very few remaining amendments that were agreed to. The list was agreed to last night. I urge our colleagues to allow us to progress on the underlying resolution and on those amendments so we can progress with a lot of business that we have to do. But we cannot do the other business until we address these amendments.

I understand everyone's rights, but I remind everybody that we are in a cloture period, and we invoked cloture. I believe the vote this morning was 88 to 3. Therefore, I urge us to stay on the business we are now on and to address the amendments. Once we complete the amendments, we will proceed to the cloture vote on the underlying resolution itself.

We have just used a procedural vote. We have not had to use procedural votes very often over the last couple of years. I am disappointed to have to force Members to come back to the floor, but we do need to focus on the business at hand. We have other issues to address, such as the FSC/ETI bill and the Homeland Security appropriations that we are doing. We cannot get to those until we address the business at hand.

Some people are saying we ought to go home or we should not do the Nation's business. We are talking about intelligence reform, the safety and security of the American people, and we need to address those issues now.

We do have the FSC/ETI bill, the Defense authorization bill, and the Homeland Security appropriations, when they are available, and we will take those up. But we have to complete this bill first.

On the business at hand, I have an amendment at the desk, which has

been cleared on both sides. I do ask consent to call up a modified version of my amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FRIST. Mr. President, again, this amendment was an amendment that, last night, we said we would be addressing today. We have Members who are trying to work on that business. Again, I plead with Members on both sides of the aisle to allow us to address the intelligence oversight of the Senate. The American people expect it. I know individual Senators have certain rights to put a block and to obstruct, but we are talking about the Nation's business.

We are about ready to adjourn over the next hours, but it looks as though, because of the obstruction, it is going to be days now, but we are going to stay here. The American people deserve it. The 9/11 Commission Report said act and we have acted, and now we are in that final few feet of this sprint, and we are there, but we are having this obstruction.

The amendment I just asked to turn to is part of the underlying business. Again, we just heard another objection. So I am frustrated, but nevertheless we are going to stay here and we are going to complete the Nation's business.

I am prepared at this juncture to yield the floor to allow business. I understand Senators have rights and can speak under rule XXII, but I do want to at least advise Members that we cannot just sit in a quorum call like we have for the last little bit throughout the afternoon. The American people deserve more. We are here to work. We are here to produce. We are here to address the safety and security of the American people. If Members want to debate this resolution, please come forward and do it. It is the resolution that is the business on the floor. We will have votes as necessary through the afternoon and through the evening, hopefully on substantive amendments. We will have procedural votes, if necessary, to bring people back to conduct the Nation's business.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DOMENICI. Will the Senator yield?.

Mr. MCCAIN. I have the floor. I would be glad to yield to the Senator from New Mexico for purposes of a discussion.

Mr. DOMENICI. Yes, discussion of this bill. First, I want to say I have a little amendment pending, but believe me, I do not intend to delay things. I will offer it with Senator BINGAMAN, so I am not running to my office, and the Senator does not have to call me back with anything.

I want to tell the Senator why things are taking so long. We have Senator HARKIN. He has a legitimate point. I mean, the whole law of the land on big subjects that the conferees know nothing about in appropriations should not be changed. The Senator from Iowa can speak for himself, but I have a situation where the conferees on that subcommittee have not had a hearing on the huge program called the milk subsidy for America. They changed it. They extended part of it. They added a new subsidy and a new forward contract.

Now, how do they know how that affects Oklahoma, California, or Texas? They do not, but there are enough people on the conference to do that, and Senators know about that.

Now, I am a player, and there is nobody who has more respect for what the Senator is trying to do than I, but there comes a point where one cannot stand it anymore. People want this big bill to protect our country, Homeland Security, but they do not have to protect some cows along with it, do they? We are not here for a cow protection program; we are here to protect America.

So if they do that—I do the rules, although not very often, but that bill has three perfect points of order in it. I say to the leader, they will be made, and they are all debatable. Unless they can get to the floor to make a motion to table, we will be here and then we can talk a little bit.

So the great desire of the Senator to get out of here Sunday, I can tell the Senator that if he brings that bill out here with that on it, we are here until Wednesday.

That is a cinch.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I thank the distinguished Chair, and I thank the Senator from New Mexico and respect always his opinion and his passion.

Since the Senator from Iowa is in the Chamber, I would like to perhaps do something that may be pleasant for him, and that is I will yield to him for 5 minutes without losing my right to the floor, if he would like to describe his plans to the body. No?

Mr. HARKIN. I thank the Senator from Arizona. I did not hear what he said.

Mr. MCCAIN. I said I would be glad to propound a unanimous consent to yield to the Senator for 5 minutes without losing my right to the floor, if the Senator would like to describe what he intends to do.

Mr. HARKIN. I thank the Senator from Arizona. I did not hear what he said.

Mr. MCCAIN. I said I would be happy to propound a unanimous consent to yield to you without losing my right to the floor, if you would like to describe what you intend to do.

Mr. HARKIN. I thank the Senator for that kindness.

Mr. MCCAIN. I ask unanimous consent to yield to the Senator from Iowa for 5 minutes and then regain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. The Senator asked what my plans are. My plans are to protect my farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. My plans are to fight for what we in the Agriculture Committee——

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Iowa.

Mr. HARKIN. I say to my friend from Arizona, my plan is to fight for an agreement that was hammered out in the Agriculture bill a couple or 3 years ago that everybody signed up on, everyone agreed, the President signed it.

It is not right. I tell my friends, it is not right to treat farmers in one area of this country different than the other. For the last 50 years, this Congress has responded to disasters, whether they are earthquakes or tornadoes or floods or hail or fire or hurricanes. For 50 years, we have responded, and not once, not once have we offset it. It has always been in emergency spending.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. Not once until 2 years ago they did it once, and that was corrected. Now they want to do it again. Once was once too many. Now they want to change the underlying structure of the farm bill. I am telling you, it is not right to do so.

I thank the Senator from Arizona for giving me the time to explain why I am doing what I am doing. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I would like to do the same thing with the Senator from Arkansas in just a minute. I would like to make a point to my friend from Iowa and others. I don't think there is anyone else in this body who has been viewed in as many ways as one who is—maybe the word is obstructionist and disagreeable from time to time on issues with which I do not agree, but let me say I have never filibustered, nor have I ever tried to prevent the passage of legislation as long as I have been able to have my amendment, make my point, and get a vote and move forward.

I say to my friend from Iowa, I think for the good of the body here, on Friday afternoon, I would be glad to vote on any amendment he would propose. I would be glad to debate and vote, because I just do not think it is good for the institution for us to stay here until Tuesday, basically doing nothing. I am not sure we satisfy our constituents by doing so.

Now, if it is agreeable—I ask unanimous consent to yield 2 minutes to the Senator from Arkansas, without losing my right to the floor—excuse me, Louisiana. My deep apologies. I do know the difference between Louisiana and Arkansas.

Ms. LANDRIEU. I thank the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my distinguished colleague for yielding.

I am objecting also because of an issue that is of great concern to me and to the people of Louisiana. It is in this $137 billion tax bill that we have worked on very hard for 2 years. Our leaders in the Senate have done an excellent job under very difficult circumstances. It was a House committee, without the cameras rolling and without a real record of it.

The only people taking bullets for us, who are the men and women on the front line in Afghanistan and Iraq—in this case the Guard and National Reserve—the only people taking the bullets were left out of the bill completely. They were not the top of the list, they were not in the middle of the list, and they were not in the bottom of the list.

So I am slowing the Senate down until I can get this message out, and talking to as many reporters and others who will talk so I can tell them the truth and what happened. I can talk to my colleagues if we are going to stay here a day or 2 days or 3 days. They have been in Iraq for over a year and a half, 2 years, and another weekend is not going to hurt me. We need to talk about a plan to work through it. But I am not leaving them on the cutting-room floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I would like to say again to my colleagues, as one who has a reputation for disagreeing from time to time, I think we should let the body move forward and decide on these amendments. I believe we could work out agreements that would allow for amendments to be voted up or down on these very compelling issues.

I share the concern and view of the Senator from Louisiana. I think that issue needs to be discussed and debated. I am not sure just holding up the body is the answer.

Finally, I ask unanimous consent for my colleague from Oklahoma to speak for 3 minutes, without losing my right to the floor, and then the Senator from Massachusetts.

I ask unanimous consent for 5 minutes to the Senator from Oklahoma without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

AMENDMENT NO. 4027 TO AMENDMENT NO. 3981

Mr. NICKLES. Mr. President, I call up amendment No. 4027.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 4027 to amendment No. 3981.

The amendment is as follows:

(Purpose: To vest sole jurisdiction over the Federal budget process in the Committee on the Budget)

At the end of Section 101, insert the following:

''(e) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, including:

(1) the functions, duties, and powers of the Congressional Budget Office;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as ''rescissions'' and ''deferrals'';

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.''

AMENDMENT NO. 4041 TO AMENDMENT NO. 4027

Mr. NICKLES. Mr. President, I call up amendment No. 4041 to amendment No. 4027.

Mr. KENNEDY. Point of order, Mr. President. Parliamentary inquiry: As I understood it, the Senator from Arizona yielded for points of discussion. I ask the Chair if he would not rule. I ask if he asked consent if he would be able to yield, for the point of discussion, to other Members here? As I understand it now, the Senator is offering an amendment. That is not discussion. I make a point of order.

The PRESIDING OFFICER. The Senator yielded for a specified period of time.

Mr. KENNEDY. And not for discussion only?

The PRESIDING OFFICER. Simply for a specified period of time.

Mr. KENNEDY. What is the request now that is before the Chair?

Several Senators addressed the Chair.

Mr. MCCAIN. What is the pending business?

The PRESIDING OFFICER. The Senator from Oklahoma has the right to call up an amendment.

Mr. KENNEDY. Mr. President, what is the request?

Mr. MCCAIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The Senator has called up an amendment and has sent it to the desk, and a second-degree amendment as well, which is his right.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe I was recognized.

For the information of my colleagues, to help clarify, I believe I understood the underlying Domenici amendment was set aside.

Mr. MCCAIN. Mr. President, I do not believe the pending amendment was set aside. It required unanimous consent.

Mr. NICKLES. My understanding—I will ask the Chair, but it is my understanding the Domenici-Craig amendment was set aside. Under the unanimous consent agreement that was entered into yesterday, there were several amendments to be pending, that are in order. One of those amendments is an amendment I had, dealing with the budget office. I am just trying to get in, too.

I have modified it at the request of the chairman of the Government Operations Committee. This is not a significant amendment, but it is an important one and I am trying to advance the movement of this bill, to have a pending amendment. I have now modified it. I have a second-degree amendment pending to it, that Senator KENT CONRAD and myself are cosponsoring.

It now means that would be the pending amendment to the underlying bill when we go to the regular order on the bill. I would like for us to finish this bill.

I know some people wish to speak at length because they happen to be upset about the Homeland Security bill. I may support them in their efforts. That remains to be seen. But I do think it is important we finish the bill that is pending, and there are four or five amendments that are out there. Maybe two or three of those amendments will be agreed to and we can finish the Homeland Security bill in a very short period of time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Before I yield to the Senator from Kentucky—I mean Massachusetts——

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 4041 to amendment No. 4027.

Mr. NICKLES. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. HARKIN. I object.

The assistant legislative clerk continued with the reading, as follows:

Strike all after the first word, and insert the following:

''JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are:

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

Mr. REID. Mr. President, it does not take consent to stop reading. I seek recognition. I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I want the attention——

Mr. McCAIN. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. Has the time of the Senator from Oklahoma expired?

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

The Senator from Arizona has the floor.

Mr. REID. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. The Senator from Massachusetts was waiting to say a few words. I ask unanimous consent to yield to the Senator from Massachusetts for 5 minutes for the purpose of discussion, followed by the Senator from Nevada for 2 minutes, with my right to regain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask unanimous consent to speak before Senator KENNEDY for 1 or 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I direct this to my friend from Oklahoma. I have the greatest respect for the Senator from Oklahoma. But it is not appropriate when neither manager is on the floor to send an amendment to the desk. It is not the way we do things around here. I ask unanimous consent that the action taken by my friend be vitiated. That is not fair. I say that with all due respect. We have been here for the last 3 or 4 days.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. McCAIN. Once, shame on you; twice, shame on me. The Senator from Massachusetts was recognized.

Mr. REID. My time is not up.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, I ask unanimous consent that the action taken by the Senator from Oklahoma be vitiated, and that we go back to where we started before he offered his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friends and colleagues from Iowa, Florida, and Louisiana have outlined very briefly some of their concerns about how they felt the minority had been treated in an arbitrary way in the conference committee.

I want to remind the Senate that we had a 78-to-15 vote in the Senate to tie the tobacco buyout with the FDA regulations, and that particular proposal came back. We had not asked that the tobacco buyout be in the tax bill. But, nonetheless, the House decided to put it in the bill. Then when it came back here, the decision of that conference was made to take care of the tobacco companies and give short shrift to the children of this country.

I think it is going to be appropriate that many of us talk about that and make sure the American people understand that.

Finally, we have also had the issue on overtime. Three times we saw the decision made in the Senate to repeal the administration's overtime—twice in the House of Representatives. This was given 6 minutes in the conference committee.

I think the working families of this country have a right to understand and know what is in that FSC bill. I for one intend to use my time to make sure that they do.

I thank the Senator from Arizona for yielding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to say again I am not sure that the situation on Monday, or Tuesday, or midnight tonight, or Wednesday, or whatever, is going to be any different than it is now. I have been assured by the leader that we could have any amendment within reason considered, debated, and voted on in a reasonable length of time. I hope my colleagues will consider doing that.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. McCAIN. I would be glad to.

Mr. DURBIN. If I am not mistaken, it is possible to amend the conference committee report which was sent to us for consideration on the floor of the Senate. The Senator suggested amendments several times. I ask if he would please clarify that.

Mr. McCAIN. I think the Senator knows that conference reports are not amendable. But I would also respond by saying as frustrated as many of us are with conference reports, especially appropriations conference reports coming out with little things in them that we never anticipated, if you want to delay it 1 day, or 2 days, or a week, the result is basically going to be the same. I think we all know that.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. McCAIN. I would be glad to yield for a question by the Senator from New Hampshire.

I am learning.

Mr. GREGG. The Senator has spent some time there, and we appreciate it.

Mr. President, I ask the Senator from Arizona if he would be willing to allow me to go forward with a unanimous consent request which the Senator from Massachusetts, Senator KENNEDY, and I have agreed to which would extend the higher education bill and which would in addition allow us to save the taxpayers $100 million from money that is now being paid out to banks that are getting unconscionably high rates of return on student loans, and take that money and apply it so that teachers who go into underserved districts or in matters such as special education could receive a much higher forgiveness of their loans, raising their forgiveness from $5,000 to $17,000.

I was wondering if the Senator would allow me to offer a unanimous consent request. I believe it has been signed off on by both sides.

Mr. McCAIN. I would be glad to.

I wonder why the Senator missed this one. What happened? Are we asleep at the switch? Everything else is in here.

Mr. GREGG. That is a good point.

Mr. McCAIN. There is all kinds of fun in that. I don't know why you missed that one. Of course, we have homeland appropriations coming down. That is loaded with pork. The Senator from New Mexico just mentioned they changed the formula on milk to the tune of about $2.4 billion.

Mr. DOMENICI. They haven't yet.

Mr. GREGG. This is within the jurisdiction of my committee, and the Senator from Massachusetts and I have worked on this. We think it is important for existing students who are paying this ridiculous interest rate—the Government is paying this ridiculous interest rate—and use the money to help teachers who are going into underserved areas. Will the Senator allow me to do that?

Mr. McCAIN. I would be glad to.

Mr. KENNEDY. I am in strong support.

Mr. McCAIN. I am happy to yield for a question by the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator agree with me that even though I might strongly support what the Senator from New Hampshire has stated, I would like to defer action because my friend and colleague Senator HARKIN is not here at the moment. He may or may not object. He objected to it earlier. I hope the Senator will address this later on in the afternoon or evening.

Mr. GREGG. Will the Senator from Massachusetts yield the floor at this time? At some time I would like to put the body on notice that we need to handle it today.

Mr. McCAIN. Mr. President, I appreciate the work of the Senator from New Hampshire and the Senator from

Massachusetts on this issue. I have been reading a lot about it. I think it is disgraceful and outrageous, and I think every Member of this body agrees with it. I hope we can get this done today because it is as egregious as the Senator from New Hampshire described.

I have little doubt about the outcome of this vote, but I will continue to remind my colleagues that the so-called reorganization resolution is a farce. The hypocrisy was bad enough when the resolution was laid down Wednesday evening. Since that time, Members' parochial interests have whittled away the little new oversight authority that would be transferred to the renamed homeland security and governmental affairs committee. The result is nothing more than a name change for the committee.

I associate myself with the remarks of Senator VOINOVICH, who made some comments last night when he further exposed this sham for what it is. We should adopt this proposal to not rename the committee but keep it the Governmental Affairs Committee since we really are not making any substantive changes.

In today's Washington Post, there is an excellent column by David Ignatius. David Ignatius says in the article:

''It's outrageous. The American people should be angry,'' says former Senator Bob Kerrey, who was a Member of the Sept. 11 commission and for eight years served as a member of the Senate intelligence committee. He argues that it would have been better to drop the executive-branch changes if Congress was not going to reform itself. ''These are secret agencies,'' he explains. ''Unless you put in place strong oversight, it isn't going to work.''

In fact, Senator KERREY and others argue with the consolidation of power we are making it more dangerous because there is no oversight. We may have not only remained in neutral here as far as increasing congressional oversight, but since we are consolidating power, what this proposal does is even more dangerous to America than the status quo.

The 9/11 Commission in its report described congressional oversight of intelligence as ''dysfunctional.'' They did not say it needed improvement; they did not say the system could use a tweak here or there; they said it was dysfunctional and that it needed comprehensive change. So we in the Senate supposedly committed to doing just that. We formed a working group, held discussions—they were interesting discussions, by the way—committed to bringing a bill to the Senate, and now we are here.

What have we done? Have we embraced comprehensive change? No, we haven't. We haven't even embraced a modicum of change. We have said that the status quo is fine with us, and as far as the Senate is concerned, September 11 never happened. It never happened, if you look at what is being done in the name of responding to September 11 and the recommendations of the 9/11 Commission.

Now, we are tinkering with the oversight responsibilities of the Intelligence Committee but certainly nothing substantive. When I go home to Arizona and I say: My friends, we have really reformed intelligence; we have changed the Intelligence Committee from a B committee to an A committee. How do you like that? They are going to be overwhelmed when they hear that we have changed the Intelligence Committee from a B committee to an A committee. I can see the Scottsdale Rotary Club rising to their feet in applause for this incredible change we have made in the way we carry out our intelligence oversight responsibility.

I apologize for engaging in a little bit too much hyperbole.

We took away from the new committee jurisdiction over immigration, then the Secret Service. I have to relate to my colleagues a funny story in case they missed it. I was on the Senate floor with the two sponsors of the amendment that would keep the Secret Service under the Judiciary Committee when they said: You know, the Secret Service really wants to be under the Judiciary Committee. I have encountered hundreds of Secret Service agents, and I have never had a single one come up to me and say: Senator, please put me under the oversight of the Judiciary Committee. Never. I guess I have not spoken to the right agents.

Anyway, all that is remains of the committee on homeland security is the name. I wouldn't be surprised if someone objected to that on jurisdictional grounds.

The new committee, as the Senator from Maine and the Senator from Connecticut will attest, the new committee will have responsibility over 34 percent of the budget and 3.9 percent of the employees. About all that it will be responsible for is FEMA and the Office of the Secretary. That is right, over 96 percent of the employees of the Department of Homeland Security will fall under the jurisdiction of other committees, not the committee on homeland security. So much for real reform.

One of the recurrent themes has been the overload of the Department of Homeland Security because of the number of committees they have to testify before during the course of a year. The number, as I remember, is 88 different committees and subcommittees, et cetera. I hope the Senator from Maine will assert exactly how many committees and subcommittees under this revolutionary new reorganization the Department of Homeland Security will have to testify to.

Now, a word about the Department of Homeland Security, the White House, and the administration. While we were trying in our amendment to move the TSA—a radical idea—to move the Transportation Security Administration under the new Department of Homeland Security, which I think garnered 22 of my colleagues' votes, along with myself, while we did that, we got these calls: Way to go, we are with you, we are with you. This is a great thing to do. You have to move the TSA into the Department of Homeland Security.

I said: Fine, will you issue a statement saying that? No, no, no, we cannot do that. We cannot issue a statement saying we support such an amendment. We might make somebody mad.

We saw the result of that outrageous attempt to move the organization called the Transportation Security Administration under the jurisdiction of the committee on homeland security. I will admit in retrospect I cannot imagine why anyone would assume that the Transportation Security Administration should fall under the committee on homeland security.

Anyway, we aren't changing things here. We have decided the status quo is good enough, and we are sticking with it.

I again quote from David Ignatius' article in the Washington Post this morning:

Senators were patting themselves on the back yesterday for passing some of the intelligence reforms recommended by the 9/11 Commission.

I was one of those. I was praising the work that was done as far as executive reorganization. It was landmark legislation, the first major reorganization of Government since 1947. It was an incredible job.

But behind the scenes, the legislative process has been an egregious example of congressional politics as usual.

Legislators have embraced the commission's call for a national intelligence director and a national counterterrorism center that would, in theory, coordinate intelligence efforts in the executive branch. But they have ignored or gutted the commission's proposal for similar reforms in the way Congress oversees intelligence.

''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important,'' the commissioners stressed in their final report. They urged that Congress give its intelligence committees control over both authorizations and appropriations—so that the committees would finally have the muscle to provide real oversight.

Why did the Senate bill scuttle these internal reforms of what the commission called ''a dysfunctional'' system? Because they would threaten the turf of powerful legislators. To be blunt, the Senators put their own perks and prerogatives ahead of the Nation's security.

That is a pretty tough statement.

''It is outrageous. The American people should be angry,'' says former Senator Bob Kerrey.

By the way, Senator Bob Kerrey left part of his leg on the battlefield at Vietnam and received the Congressional Medal of Honor and was also a member of the 9/11 Commission and for 8 years served as a member of the Senate Intelligence Committee.

He argues that it would have been better to drop the executive-branch changes if Congress was not going to reform itself. ''These are secret agencies,'' he explains. ''Unless

you put in place strong oversight, it isn't going to work.''

Because the real power lies with the appropriations, the intelligence agencies know they can safely ignore pressure from the Intelligence Committee. Indeed, major contractors that do business with the intelligence community, such as Lockheed Martin, Boeing, and TRW, are said to spend little time lobbying the intelligence panels because they know the appropriators have the power of the purse. CIA Directors recognize the same reality. They can ignore the intelligence committees as long as they keep stroking the appropriators.

We will have a status quo Intelligence Committee without combined authorization and appropriations power, a committee that handles only a tiny fraction of homeland security issues, and we will be right back where we started. So let's be honest with ourselves and with the American people. We aren't changing things here. We have decided that the status quo is good enough, and we are sticking with it.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, no matter how many times you say something that is not true, it does not make it true. I am not going to belabor the point other than to say we have spent a lot of time doing what the 9/11 Commission recommended. Did we do everything they asked? No, we did not. Did we do 90 percent of what they asked? The answer is yes, as I explained on the floor on more than one occasion with the charts where we checked off what they asked for and we did. Again, I repeat, it does not matter how many times you say something that is not true, it does not make it true.

Now, people can minimize all they want. The committee on homeland security will be created as soon as we complete this cloture fiasco we are now involved in. As I read on the floor here yesterday evening for half an hour, only getting into two directorates, the homeland security committee that will be formed could hold hearings every day next year and still not complete all the policy decisions that are made regarding terrorism in this country. Yes, they may not have all the employees, but they have the policy that is important to make our country safer.

We start out with the basic Government Operations Committee, and we do not change that one iota, and we add to that four directorates. For three they have total 100 percent responsibility, and for the fourth one they have partial responsibility.

I repeat for the third time today, no matter how many times you say something that is untrue, it does not make it true. You cannot have it both ways. We have people telling us that we may establish nothing out of this committee, but yet we have people here grousing from 10 different committees saying we gave them too much. You cannot have it both ways.

Now, I know there is some disappointment on the part of the Senator from Maine, and I have heard very little from the Senator from Connecticut. I know he has been away for religious observances, but I have kept in close contact with him. I think he realizes the glass is not half empty, it is half full.

This committee is a good committee. It is going to be one of the most significant committees in this Congress. It is going to increase the brawn and muscle of the Government Operations Committee tenfold. We took jurisdiction from 10 standing committees and gave things to the new committee.

Now, as an example, let's just take my committee. I have been chairman on two separate occasions of the Environment and Public Works Committee. We have wide-ranging responsibilities in that committee. But one thing we have that is most important is the Federal Emergency Management Agency. I have spent a lot of time on that committee.

When I served in the House of Representatives, Congressman Al Gore was chairman of a committee called Investigations and Oversight, and we spent weeks doing investigations regarding FEMA. I know a little bit about it. It is a very powerful institution. The new government operations/expanded homeland security has complete jurisdiction over that, except for flood control. Flood control has always been with the Banking Committee. It took all day yesterday to work something out so that the new Government Operations Committee could still have that.

So, Mr. President, when we complete our work on this—and we are going to complete it pretty soon—people will be striving to get on the committee that will be chaired, at least for the next couple of months, by Chairman COLLINS; after that maybe Senator LIEBERMAN.

But the point I want to make is I know people have been putting in the mind of the distinguished Senator from Maine that she got nothing. Isn't it terrible what they did to you? The fact of the matter is, I read only partially here on the Senate floor last night the responsibilities of this new committee. The responsibilities are terribly significant.

We still have work to do on this resolution. I am disappointed that it has not been completed. I want the record to be spread with the fact that Senator MCCONNELL and I did not do a perfect job, but we did the best job we could do, and we have worked for weeks trying to do something that was very hard to do; that is, change what this body does.

Everyone hates change, as when I started my remarks, whether it is a change in your family relationship, as I explained when my daughter left to go to college, or whether it is a committee you feel strongly about.

I talked to a Member of the Senate today, and he said: Today was a big change in my life. I said: What? And he said—I am not going to embarrass him and use his name; this happened at lunchtime—he said: I have been using the House gymnasium for 22 years. He said: I switched; today I started using the Senate gym. He said: You have no idea how hard that was for me to do because even though I am a Senator now, I have used that gym for 22 years.

People hate change. They fight change. And I have to say, I have never changed; I still use the House gym.

So I am sorry, because I have talked to her personally, and I am sorry the Senator from Maine is disappointed in the jurisdiction she has. I am sorry we could not give her more jurisdiction. But, believe me, she will do a good job, because there is so much to do. I have worked here with a lot of different Senators in the years I have been in the Senate, and I have found very few people as competent and as resourceful and who work as hard as the Senator from Maine. I know when she gets this committee, even though she feels slighted that she did not get more, she will have her hands full doing what she will be doing very competently.

So the main point I want to make here, for the fourth time—and I am not going to apologize to anyone for the work I did on this. Not to anyone. I worked hard. It was hard to get where we are. And I repeat, if people think we did nothing, why have I been berated the last few days about: How could you do this? How could you take this from me? And I used, every time, the example of FEMA. FEMA is no insignificant matter. We took significant matters from 10 standing committees and have given them to the new government operations, expanded homeland security committee.

I am going to continue to support the legislation. I have kept the 9/11 Commission advised. This is not an end run we have done on the 9/11 Commission. Oh, isn't it surprising? Why didn't REID keep us informed? REID kept them informed.

Now, I wrote a book, published a history book, and people criticized my book. They can if they want. I defend what is in my book, and they defend what is in their report. The 9/11 Commission—I have said on this floor, not on one occasion, not on two occasions, I cannot count how many occasions I have complimented my friend, Congressman Lee Hamilton, and Governor Kean. I know Lee Hamilton very well. I have known him for 22 years. I do not know Governor Kean very well, but I surely like him. I know how competent he is. I know Roemer, who served there; Slade Gorton, an outstanding Senator whom I served with; Bob Kerrey, one of my good friends, whom I think the world of. They did a wonderful job.

We have given the 9/11 Commission and the people of America, as I said, most everything the 9/11 Commission

recommended. The 9/11 Commission, by the way, did not tell us how to reorganize the Senate. What we are doing here does not take the President to sign off on. We do this on our own. This is what we are doing. This is one of the most significant changes in the history of this Congress.

Now, people say: Well, big deal; it is not a very big change. I think it is a significant change. Remember, we got rid of a subcommittee on Appropriations. We created a new subcommittee. We gave a lot of muscle to the new Intelligence Committee.

I checked off here yesterday all the things we gave to the new Intelligence Committee. We got rid of term limits, which they complained about for so long, increased staffing and made it bipartisan, so now it is not divided 3 to the minority and 23—I don't know the exact number, but about that—33 to the majority. It is now divided 60/40. That is the way it should be.

> Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties.

This is not something I dreamed up. This comes directly from the 9/11 Commission. Page 421 of the 9/11 Commission, what did they say? They said:

> Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties.

We did that. Now, is it in keeping with what my friend for 22 years, Senator MCCAIN, thinks we should do? No. He thinks we should do things differently. But we made decisions he does not agree with. That does not mean we are all right, but that does not mean he is all right either. I mean, he is all right—not right on this issue. So we did as the 9/11 Commission said we should do.

Again, it is not as if we were doing something that was significantly more important anyway. But I read yesterday all the many responsibilities that this committee has. I want to find this again. I am turning to my loyal staff here. This is directorate No. 1. The responsibilities are very significant. And for someone to say this is not important, I defy reason to say this is not important.

This committee has jurisdiction over this: To access, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government—and it always says ''State and local''—to integrate such information in order to, A, identify and assess the nature and scope of terrorist threats to the homeland; B, detect and identify threats of terrorism against the United States; and, C, understand such threats in light of actual and potential vulnerabilities of the homeland.

No. 2, to carry out comprehensive assessments of the vulnerabilities of key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States, including assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks.

I say through the Chair to my friend from Maine, if you spent 6 months of the next congressional session having congressional hearings on this, you would have your plate completely full just on this. But we didn't stop there. I have gone through two of the obligations, responsibilities they have. But there are 17 more, such as: To integrate relevant information—I am skipping a little bit—analyses, and vulnerability assessments in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies; to ensure the timely and efficient access by the Department to all information necessary to discharge the responsibilities.

No. 5, to develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology, telecommunications systems, including satellites, electronic, financial, property record storage, transmission systems, emergency preparedness communications systems, and the physical and technological aspects that support such systems.

I say, these responsibilities may not be very glamorous. You may not be calling people in that are part of the 41,000 Transportation Security Administration, but it sure is important to my family and the people of the State of Nevada that we do some good work to find out about a national plan for securing our electricity, our satellites, our electronic and financial records storage and transmission systems. That requires some congressional hearings.

If somebody is chairman of that committee and ranking member or a member of the committee, I think that is something they should focus on, at least for a little while.

No. 6, to recommend measures necessary to protect key resources and critical infrastructure of the United States, in coordination with other agencies of the Federal Government.

No. 7, to administer the homeland security advisory system, including exercising primary responsibility for public advisories related to threats to homeland security; to review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, other information related to homeland security.

No. 9, to disseminate information analyzed by the Department to Homeland Security, agencies of State and local governments, and private sector entities with such responsibilities to assist in the deterrence, prevention, preemption of, or response to terrorist acts against the United States.

I think that is a pretty heavy responsibility. To say this is nothing, you haven't given us anything.

No. 10, to consult with the Director of the Central Intelligence Agency—right now we still have a CIA Director—and other appropriate intelligence, law enforcement, or other elements of the Federal Government to establish collection priorities and strategies for information relating to threats of terrorism against the United States; to consult with State and local governments and private sector entities to ensure appropriate exchanges of information, including law-enforcement-related information; to ensure that any material received pursuant to this act is protected from unauthorized disclosure; to ensure that any intelligence information is shared, retained, and disseminated consistent with the authority of the Director of the CIA.

So for someone to say: What is this? You wasted all of our time here. We should not have done anything. It is an insult. I told people this is, if not the hardest thing I have ever done, one of the hardest in all the time I have been in Congress. For someone to stand and say, You didn't do anything, what I would suggest to the Senator from Maine, if she doesn't like this committee, turn it over to somebody else. I will bet a lot of people would like it. The ranking member right under her, I bet they would love to have this committee.

To request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of terrorism against the United States; to establish and utilize, in conjunction with the chief information officer of the Department, a secure communication and information technology infrastructure, including data mining, and other advanced analytical tools, in order to access, receive, and analyze data and information.

Again, there are not a lot of employees involved in this, but if we depended on that—I don't know the number of employees we have in the Federal Government; it is over 2 million, millions anyway—how many employees were involved, you would just ignore the FBI. There are only 11,000, only 11,000 out of approximately 2 million. I don't know that exact number, a very tiny percentage of what the FBI makes up of the overall workforce, but it is still real important.

What I am talking about is, that is going to be the responsibility of this committee, and it is also important.

I am still only through No. 13. We have six more to go in the first directorate. I have three more directorates to go through to show what this new committee that a small minority here think doesn't amount to much, I am

saying it amounts to plenty. If this committee does its job—and I say without any hesitation that I know that Senator LIEBERMAN and the distinguished Senator from Maine will do a good job—they will have a lot to do. They make sure to listen in one ear about all they don't have to do, but let's also listen with the other ear about all they have to do. Some people like to denigrate anything we try to do about this institution. Some like to tear it down.

No. 15, to ensure, in conjunction with the chief information officer of the Department, that any information databases and analytical tools developed or utilized by the Department are compatible with one another and with relevant information databases of other agencies of the Federal Government; B, treat the information in such databases in a manner that complies with applicable Federal laws on privacy.

That is one of the biggest issues. I did a poll in Nevada a few years ago, and my staff, when they came to me, was stunned. In Nevada, the most important issue was not health care, it was not education, not the environment, not jobs—it was privacy. People in America are extremely concerned about privacy. We have all these electronic tools to do all kinds of things. And we want to make sure people's privacy is protected. One of the obligations of this committee is to see what can be done, with all the electronic apparatus we have for collecting intelligence and protecting the homeland, that it doesn't interfere with my family's privacy. That is a responsibility this committee will have when we complete it.

No. 16, to coordinate training and other support to the elements and personnel of the Department.

No. 17, to coordinate elements in the intelligence community with Federal, State, and local law enforcement agencies and the private sector, as appropriate; to provide intelligence and information analysis, and support to other elements of the Department.

And who does this cover? Who does this committee look to, to gather information? One of their defined legislative responsibilities—it is in this RECORD right now, we are making legislative history with the jurisdiction of this committee, but this is also in the underlying amendment that is now before this body, covered agencies: The Department of State, the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the National Imagery and Mapping Agency, the Defense Intelligence Agency, and any other agency of the Federal Government that the President considers appropriate.

This is the legislative history that we are making to establish what this committee has to do. For someone to say their dealing with the CIA, FBI, NSA, and the DIA is not important, well, that is too bad because it is important.

We also have another directorate, and I will only cover a couple because there are four. The fourth one doesn't have total coverage over that. That is the one where immigration—they only have part of that—relating to security.

The Judiciary Committee has jurisdiction over immigration as it relates to policy matters, as I understand it. They have security matters. I may not have defined it as policy, but they don't have 100 percent of the other directorate.

One of the directorates they have is emergency preparedness and response. I already talked about FEMA being part of their responsibility—and a big responsibility FEMA is, Mr. President. It is one of the most important agencies we have in the Federal Government today. As we speak, they are doing gallant work in Florida, Alabama, and Georgia as a result of the hurricanes. We lend that agency to foreign countries because they are the best in the world when there is an emergency. I have learned over the years that the most important thing they work on is water-related emergencies across the country, with flooding and those kinds of things. Floods are caused by lots of different things. So what does the FEMA have to do? They do this:

All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistant Act, which is carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—A, of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects; B, of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard; of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards.

Mr. President, I first became aware of the work that FEMA does when we had a disastrous flood in northern Nevada. We don't get much rain in Nevada, but we had a lot of snow in the Sierra Nevada Mountains. We had early rain. That water came down without warning. And as I traveled to Gardnerville and Minden in Douglas County, one of my friends there, a farmer who had lived there for a long time, said: Look out here. A little river that a child could walk across most of the time was like a raging river. Cottonwood trees that were 100 years old were being thrown down the river path like toothpicks. By the time I got to northern Nevada, coming in a different airport because the regular airport was closed, FEMA had already set up operations and started life-sustaining operations, feeding people. They had already set up locations for businesses that had been devastated to come and make their claims.

If we did nothing else other than transfer FEMA from the Environment and Public Works to the new homeland security committee, that is a tremendous new responsibility for that committee—in addition to the page after page of other stuff I read that is their responsibility.

For the fifth time, people can come on this floor and keep saying what we have done is inconsequential and doesn't mean anything, but saying that doesn't mean it is true. I want everybody within the sound of my voice to understand some of the things we have transferred to this committee. Remember, this was already an A committee. It had lots of work to do. That is why some people around here are saying, What are people complaining about? It is already an A committee. They are getting a lot of stuff to do, other responsibilities from 10 different committees. What more do they want?

Well, I guess they want more. I say the glass should be half full, not half empty. It may not be perfect, but it is certainly pretty good.

We have to complete this legislation. There are six amendments, a couple maybe we can work out. Some of them probably we will not be able to work out, and a couple will be withdrawn. We are close to being able to finish. As I understand the parliamentary aspect, first of all, sometime tomorrow, if all time is used, we will vote on the amendment now before the body. After having completed these amendments, then we will vote on the underlying resolution—invoke cloture on that and, of course, there are 30 hours to run on that. When that is completed, this will be done.

The Senate, without having to go to the House of Representatives or the President, will have made one of the largest changes in the history of this body by reorganizing the legislative branch of Government. So, again, we transferred matters from Agriculture, Armed Services, Commerce, Energy and Natural Resources, Environment and Public Works, Finance, Foreign Relations, and Judiciary, so I think we have done a good job.

I am disappointed that my friend from Maine is apparently disappointed in thinking she is not going to have enough to do. I want her to know that the distinguished Senator from Kentucky and I did the best we could. Remember, this is not a dictatorship we have here, it is a legislative body. We cannot just suddenly decide what we want and it happens. It is a process that I talked about last night.

Legislation is the art of compromise. That is why you don't see much reorganization in the legislative branch of Government, because it is hard to do. As the President said in the last debate: This is hard work. It is hard work what we have done.

Again, I am disappointed that she is disappointed because I have the highest respect for her. I want her to know that I have only touched, this afternoon, on a very few things that she has to do. There are so many other things that this committee has. As I said, in years to come, what we have done this afternoon and what we will do on this legislation will be laid out before the Senate, so it will be easy for referrals and other things this committee will do.

This is one of the directorates, emergency preparedness and response:

The Secretary, acting through the Under Secretary for Emergency Preparedness and Response shall include: Helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies; coordinating other Federal response resources in the event of a terrorist attack or major disaster; aiding the recovery from terrorist attacks and major disasters; building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters; consolidating existing Federal Government emergency response plans into a single, coordinated national response plan; and finally, developing comprehensive programs for developing interoperative communications technology and helping to ensure that emergency response providers acquire such technology. So please do not tell me this committee does not have a lot to do. This committee will be one of the most important committees there is.

I say, in closing, to my friend from Maine, when I first came to the Senate, I received a phone call from Howard Metzenbaum. Howard Metzenbaum said: We finished—I think it is called the Steering Committee—and you are going to the Appropriations Committee. I was so excited about that. He said: You have a choice of two other committees you can go on—either Environment and Public Works or Government Operations.

I said: Senator Metzenbaum, I am so thrilled about being able to be on Appropriations. You decide which one I should go on.

He said: It does not matter. They are both great committees.

He chose for me Environment and Public Works. One reason he chose that is because in those days—I don't know if it is still the same way—a member of the Government Operations Committee, even though you were a new member, you were entitled to a staff person, someone assigned to you. They figured they would give that plum to someone else.

My point being, the Government Operations Committee has always been a good committee, but it is going to be a really good committee now. I think it will be on the par of Armed Services. I think it will be on the par with any committee we have. I will sleep well knowing that my friend, the distinguished Senator from Connecticut, Mr. LIEBERMAN, and my friend, the distinguished Senator from Maine, Ms. COLLINS, will be the two leading that committee. I know they have the ability to do a good job in meeting all the responsibilities this new committee has, including all the responsibilities they had to start with.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Maine.

Ms. COLLINS. Mr. President, as I was listening to the Senator from Nevada, it brought back memories of the night when he started reading from a book he wrote. I think it was about, if I remember correctly, Searchlight, NV. I was listening that evening to him, and much to my surprise, I actually got caught up in the story of Searchlight, NV. It was delightfully told, and although the Senator was clearly killing time that evening, I learned a lot about his upbringing and his talent in telling a story.

This afternoon, I feel we have once again seen his talent in telling a story. I think it is unfortunate that the Senator from Nevada is personalizing this debate. This debate has nothing to do with the Senator from Maine. The authority over homeland security could have been given to a brandnew committee or some other committee.

What is important to me is that we try to address the recommendation made by the 9/11 Commission. I want to read that recommendation because it is very clear, it is very straightforward. It says:

> Congress should create a single, principal point of oversight and review for homeland security.

It goes on to say:

> Congress does have the obligation to choose one in the House and one in the Senate. . . .

It certainly says the congressional leaders are best able to judge which committee should have jurisdiction over this Department and its duties, but it makes very clear that it should be a single committee, and we have not come close to doing this.

I admire the Senator from Nevada. He was extremely helpful to me when I was managing the intelligence reform bill over 10 days' time. I looked to him often for advice. I admire his experience and his knowledge, but the recommendation is very clear. It says ''a single, principal point of oversight.'' It says ''choose one.'' It does not say which one. It did not have to be Governmental Affairs. It could have been a new committee. It could have been some other committee. But it says ''choose one,'' and we did not choose one. This plan does not even come close to choosing one.

We know that between the House and the Senate, the Department has to report to some 88 committees and subcommittees. Here in the Senate, I think it is around 26 committees and subcommittees. We reduced those by maybe one or two. We still have the Judiciary Committee with significant jurisdiction. We still have the Commerce Committee with jurisdiction over the two largest agencies within the Department of Homeland Security—the Transportation Security Agency and the Coast Guard. You can make a case that the Coast Guard has a lot of nonhomeland security functions, but certainly the homeland security functions of the Coast Guard should have been transferred to the new committee. And certainly the TSA, the largest agency within the Department of Homeland Security with 51,000 employees, should have been transferred.

Under the proposal of the Senator from Nevada and the Senator from Kentucky, certain responsibilities were transferred from the Judiciary Committee, but those have been reversed in the course of this debate. In fact, the first amendment on the floor had to do with a Customs responsibility that had been transferred, and before either the Senator from Maine or the Senator from Connecticut were even given the courtesy of a phone call about that amendment, it was adopted by the managers of the bill. They immediately transferred away from the new committee some jurisdiction. Then they went on to suggest the adoption of other amendments as well.

My point is this: This jurisdiction does not have to come to Governmental Affairs, but what it should go to is a single committee. We should not pretend we are fulfilling the recommendation of the 9/11 Commission—the very specific recommendation of the 9/11 Commission—that Congress should vest this responsibility in a single committee because we have not come close to that.

That is the issue. The issue is not whether Governmental Affairs is the right committee. The issue is not whether Governmental Affairs has other jurisdiction. The issue is, are we going to try to follow the recommendation—the very strong recommendation—of the 9/11 Commission to consolidate oversight of the Department within one congressional committee. Are we going to follow the advice—no, the plea—of Secretary Tom Ridge that we consolidate jurisdiction so he and his top officials do not have to be constantly racing up to the Hill to testify rather than concentrating on the security of our country, because that is what this is about.

This is not about turf battles—this should not be about turf battles. This should not be about power plays. This should not be about power grabs. It is about how we can best improve congressional oversight over a department that is critical to the security of this

country, and that is the Department of Homeland Security.

The Senator from Nevada referred to the Senator from Connecticut. Perhaps he missed some of the debate yesterday. He is extremely attentive to the floor, but at times did step out. The Senator from Connecticut could not have made clearer yesterday his disappointment with this resolution, and he argued against the amendments that even the modest transfers provided in the Reid-McConnell resolution.

The staff of the Senator from Connecticut has told me they are certain the Senator from Connecticut would want me, since he is not able to be here today, to make very clear to his colleagues in the Senate that he shares, indeed he mirrors, my concerns.

The Senator from Connecticut has worked very hard to make sure the major recommendations of the 9/11 Commission are implemented, and that is not what we are doing here.

At best, we are taking a very modest step forward, but let's not pretend that we are in any way implementing the recommendations for a single congressional committee in the Senate to have jurisdiction over the Department of Homeland Security.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I ask unanimous consent to speak as if in morning business for a period of 5 minutes.

Mr. REID. No objection, as long as the time continues to be counted against the 30 hours.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2823

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 711, S. 2823.

The PRESIDING OFFICER. Is there objection?

(Several Senators addressed the Chair.)

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Idaho.

Mr. CRAIG. Mr. President, you can see by my unanimous consent request the alarm I brought to the Senate floor just now. The reason that happened is because I was attempting to bring to the floor a very critical issue that this Congress and this Senate have refused to address this year. It is a bill called AgJOBS. It is a bill that has more than 60 Members of this body as cosponsors, and yet it is a bill that nobody wants to talk about right now and nobody wants to deal with in the final hours of this 108th Congress.

The reason I brought it up now, and I worked it through the Rule XIV process over the last several weeks, is because when we talk about homeland security, we are talking about border security, we are talking immigration reform, we are talking about identifying 8 to 12 million undocumented foreign nationals in this country.

We have seen this Congress, this Senate, toil mightily over the last 2 weeks to try to address the 9/11 Commission's study and to reshape our intelligence community, to enhance our national security and homeland security. But this Congress has left one part of that effort unfinished.

This year, we have refused to address one of the greatest problems in our country, and that is an immigration policy that has resulted in 8 to 12 million undocumented workers.

For the last 5 years, I and others have tried to deal with one small aspect of this issue, those foreign nationals who come to our country in agriculture. There are about 1.6 million individuals in our agricultural work force, and most of them are undocumented. Yet they come here to work and harvest our fields and to process our foods, to allow this great agriculture of ours to be the most abundant in the world, and yet we will not give them a reasonable and legal status so they can continue to work, continue to return home across our borders with a degree of fluidity, without fear to go to their families. The current system has effectively locked them inside this country, in the shadows.

We have created for ourselves a monstrous problem, and the American public knows it. It is all about homeland security, and it is all about border security, and yet, oh, my goodness, we just could not get to it this year.

I have worked for several years to produce the AgJOBS legislation. It is bipartisan. Senator TED KENNEDY is my primary cosponsor, and we have worked very hard to keep it bipartisan. The numbers on the same bill have grown rapidly in the House, because this is an issue whose time has come and yet somehow we just do not have time to get to it.

So I thought it was important one more time, in the waning hours of the 108th Congress, to try to bring it to the floor and at least talk a little bit about it. When I risked bringing it to the floor, my goodness, papers flew and chairs tipped over as people rushed to the microphones to object. Is it a matter of timing? Is it a matter of opposition to reform? Oh, no, it is a matter of, gee, we just do not want to talk about this issue this year.

Let me serve notice to the Senate right now—I do not oftentimes do this—but when there are more than 60 Members of this body who are ready to debate an issue and vote on it, We will get a vote. With a bipartisan coalition nationwide of more than 400 groups that have come together, from the American Farm Bureau to the United Farm Workers, saying, for goodness' sake, Government, get your act together, solve this problem, create a program that moves us forward, that gives a legal status for people to work in this country who do the kind of work that many Americans would choose not to do, we will get a vote. That is what the AgJOBS is about. It means the reduction of illegal immigration by a reasonable program that allows that kind of safe, productive, economically beneficial movement in our country.

Of the nearly 12 million undocumented population, the vast majority do not create or even pose any threat. They are here, they are hard working, they work 12 and 14 hours a day, and they save their money, because they want to feed their families, they want a better life for their children, they want the same opportunity that has always beckoned hard working people to America. Some of them would like to be U.S. citizens; many would not. Many want to go home to their families across the border or overseas at the end of the work season. They are here to better themselves and to better their families, something all Americans can understand.

By their presence, they better us. They make our lives better, and in this issue with American agriculture, there is no question, they help to produce the abundance on the supermarket shelves and the family tables of America.

When I said ''serve notice,'' here is what I am serving: I will not give up on getting a vote on this bill and passing it. The bill is ready to move now. Its time has come. I have been trying to move it this year. If we don't move it this year, when we get back this next Congress, this bill will move. We will vote on this issue. If not the old Congress, then the new Congress will face this issue. They will face it in a variety of ways.

Some will say, let us do a large, all-inclusive immigration bill. Fine, while the committees are spending the 10 or 12 months or 2 years to try to figure that one out, we are going to vote on this one because it is a small piece of a very large puzzle, but it is the right piece. It will show we can cooperatively do what we ought to do in a fair and responsible way to create an earned status so these folks can work here in a legal way and can move freely back and forth across the borders, dominantly between the United States and Mexico, but clearly with other countries of the world, too. We want to eliminate these human hazards of the kind that have been created along the Mexican-American border, where last year more than 300 people died, many of them in the deserts, in the hot sun, or being smuggled in the back of trucks, trying to get here to work, because we have a program that does not function.

That is why I came to the floor, and I am sorry if I caused undue alarm on the part of some of my colleagues. I was quite confident that at some point someone would object because some would argue this issue's time has not yet come. It will come. It may be January, February, or March of 2005, but it will be on this floor for a full, constructive, and positive debate and a vote up

or down, possibly with the opportunity for some amendments, because this is legislation that now demands our consideration.

Americans want our borders controlled. They want undocumented foreign nationals identified in our country. This is a small step in the right direction of that effort to accomplish that goal.

Amnesty is not the solution. It has been tried before and it has failed.

The current system has not worked either, and opposition to amnesty should not be an excuse for tolerating a dysfunctional status quo.

AgJOBS avoids the problems and limitations of past initiatives and other proposals. AgJOBS is the only proposal that addresses the problem for both the short term and the long term.

In the long term, when willing American workers can not be found to work in our fields, that shortage would be addressed through a reformed H–2A program. The current program is so burdensome and costly that it now supplies only about 2 percent of our farm workers. It will take time to implement reforms that allow H–2A to meet our needs with legal guest workers.

In the short run, while H–2A reforms are being implemented, the earned adjustment program in AgJOBS would stabilize our current agricultural work force. Trusted, proven workers who have already been working here in 2003 and 2002 and before would be allowed to stay and continue to work.

A reformed H–2A program, made workable with the red tape cut out, would meet future work force needs and mean the earned adjustment program would not have to be repeated.

A realistic, workable guest worker program actually would reduce illegal immigration.

The last time the United States had a substantial agricultural guest worker program, apprehensions of undocumented workers actually plummeted, from almost 900,000 in 1953 to a low of 45,336 in 1959.

Whatever other aspects of this so-called ''bracero'' program were subject to criticism, history proved that its 500,000 farm workers entered our country legally, worked in jobs citizens did not want, obeyed our laws, returned home at the end of the work season, and dramatically reduced the demand for, and supply of, undocumented labor.

Increased enforcement of our laws is part of the solution, and we've made progress.

In the last decade, we have tripled the number of agents enforcing border and immigration laws.

Worker identification checks have intensified.

Apprehensions have skyrocketed above 900,000 a year and formal removals have increased sixfold.

High-tech initiatives are coming online.

We are poised to take up the FY 2005 Homeland Security Appropriations bill, which again increases resources in this area.

However, more enforcement is only part of the answer.

This is demonstrated by the fact that, despite more enforcement, over the last decade, the undocumented population has more than doubled.

The self-described ''experts'' who say, ''Just round them up and deport them,'' are only proposing an excuse, not a solution, while the situation just gets worse. That is the cruelest amnesty of all.

Instead, we must manage our borders and our immigration system better.

AgJOBS is a critical part of doing just that—managing our borders better and improving our homeland security by bringing hundreds of thousands of individuals up out of the shadows and into a legal system.

We can never neglect the humanitarian side of this, as well, that we should treat with dignity and humaneness those who labor to put the food on our families' tables.

Mr. President, I yield the floor.

Mr. KENNEDY. It is a privilege to join Senator CRAIG today in urging the Senate to pass this important jobs bill for immigrants in agriculture. We have been struggling for decades to find a solution to the heart-wrenching problems facing so many farm workers for so long.

The Agricultural Jobs, Opportunity, Benefits, and Security Act—AgJOBS—is an opportunity to correct these long-festering problems. In a landmark agreement, both the United Farm Workers and the agricultural industry support this solution. It gives farm workers and their families the dignity and opportunity they deserve, and it gives farm owners a legal workforce.

The bill is a compromise, and it has 63 Senate sponsors, with almost equal numbers of Democrats and Republicans. More than 400 organizations across the country support it. They include advocates for farm workers, such as the United Farm Workers, the Farm Labor Organizing Community, and the Farm Worker Justice Fund. They include business groups such as the U.S. Chamber of Commerce, the National Council of Agricultural Employers, the American Nursery and Landscape Association, and the American Farm Bureau Federation. They include civil rights groups such as the Leadership Conference on Civil Rights, Latino organizations such as the National Council of LaRaza, the Mexican American Legal Defense and Educational Fund, and the League of United Latin American Citizens.

It is a bill whose time has come. In fact, we should have passed it long before now, because the need is so great, and the current situation is so untenable. For economic, security, and humanitarian reasons, Congress ought to complete action on this legislation before we adjourn for the year.

The AgJOBS bill is good for both business and labor. The Nation can no longer ignore the fact that more than half of our agricultural workers are undocumented immigrants. Growers need a reliable and legal workforce. Workers need legal status to improve their wages and working conditions. Everyone is harmed when crops rot in the field because of the lack of an adequate labor force.

The AgJOBS bill provides a fair and reasonable process for these agricultural workers to earn legal status. It reforms the current visa program, so that employers unable to obtain American workers can hire the foreign workers they need.

Undocumented farm workers are easily and unfairly exploited by unscrupulous contractors and growers. Their illegal status deprives them of bargaining power and depresses the wages of all farm workers. Our bill provides fair solutions for undocumented workers who have been toiling in our fields, harvesting our fruits and vegetables.

The bill is not an amnesty. To earn the right to remain in this country, workers have to demonstrate past work contributions to the U.S. economy, and also make a substantial future work commitment. These men and women will finally be able to come out of the shadows, identify themselves, and provide evidence that they have worked in agriculture, so that they can continue to work hard and play by the rules.

Hard-working migrant farm workers are essential to American agriculture. We need an honest agriculture policy that recognizes the contributions of these workers and respects and rewards their work.

The legislation will also modify the current temporary foreign agricultural worker program, and it does so in a way that preserves and enhances key labor protections. It strikes a fair balance. It also benefits employers, by streamlining the visa application process and reducing paperwork for employers.

This legislation will also unify families. When temporary residence is granted, a farm worker's spouse and minor children will be allowed to remain legally in the United States, but they will not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children will also be granted that status.

In the wake of the terrorist attacks of September 11, we can no longer accept policies that fail to protect our borders. Congress has periodically invested millions of dollars to increase the number of immigration border patrol agents, improve surveillance technology, and install other controls to strengthen border enforcement, especially along our southwest border. Yet, almost everyone agrees that these steps have failed to stop illegal immigration. The proof is in the numbers—several hundred thousand people a year continue to enter the United States illegally, and a significant part of the workforce in many sectors of the economy, especially agriculture, is undocumented.

One major unintended effect of our border enforcement strategy has been to shift illegal border crossings to the harsh desert and mountain terrains along the border, causing significant increases in deaths. According to the U.S. Border Patrol, since 1998 nearly 2000 people have died attempting to make the difficult journey across that border. Desperate migrants are being drawn into criminal smuggling syndicates, which increase the danger of violence to border patrol officers, border communities, and the workers themselves. As Stephen Flynn, an expert on terrorism, noted at a recent Congressional hearing, these ''draconian measures'' have produced chaos at our borders, which ''makes it ideal for exploitation by criminals and terrorists.''

The AgJOBS bill will make legality the norm and reduce illegal immigration. It provides reasonable rules that are realistic and enforceable. It replaces the chaotic, deadly, and illegal flows at our borders with orderly, safe, and legal avenues for these farm workers and their families. A workable and legal program for foreign workers crossing our borders will strengthen our security, substantially reduce crime and enable immigration enforcement authorities to focus their resources on terrorists and criminals trying to enter the country illegally. We need laws that recognize reality, so that legality is the rule, not the exception.

In this post-9/11 world, we cannot afford to ignore the fact any longer that so much of today's agricultural workforce is undocumented. The AgJOBS bill enhances our national security and makes out communities safer. It brings undocumented farm workers and their families out of the shadows and makes it possible for them to pass thorough security checks. It shrinks the pool of law enforcement targets and enables law enforcement officers to give priority to terrorists and criminals. It will make our communities safer, because once immigrants become legal, they will no longer fear deportation if they report crimes to law enforcement officers.

Reducing the size of the undocumented population also reduces the ability of suspected terrorists to hide. The half million or more undocumented farm workers eligible for this program will undergo rigorous security checks when they apply for legal status. Future temporary workers will be carefully screened to meet security concerns. Law enforcement resources will be more effectively focused on the highest risks.

Opponents of this legislation offer no workable solutions to the serious problems of current law. Yet they have blocked our efforts for a genuine debate on the issue. We cannot be complacent any longer. I urge my colleagues to support this needed legislation. It is long past time to end these dangerous conditions, and to do it in a way that not only improves the lives and working conditions of all farm workers, but also enhances the security of our Nation. I urge my colleagues to approve this legislation, and I look forward to its enactment into law as soon as possible.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. ENSIGN. Yes.

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Mr. President, the Senator from Nevada wishes to speak; also the Senator from Louisiana. Even though there has not been a lot of order here today, I wonder if we could attempt, at least for a short time—how much time does the Senator wish to speak?

Mr. ENSIGN. I would like to speak for 10 minutes in morning business.

Mr. REID. The Senator from Nevada, 15 minutes in morning business. The Senator from Louisiana, 15 minutes. So 15 minutes to the Senator from Nevada, Senator ENSIGN, followed by the Senator from Louisiana, 15 minutes, and then we would return to a quorum. Is that appropriate? I ask consent.

Mr. HARKIN. Reserving the right to object.

Mr. REID. It is 15, 15, go back to a quorum.

Mr. HARKIN. OK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank the senior Senator from Nevada for allowing us to cooperate to get some time to talk about a couple of issues that are related to what we are talking about today.

I want to talk about the Duelfer report that has been reported widely in the papers are in our national news in the last several days.

The Duelfer report proves one thing—Senator KERRY was right about the coalition of the bribed and coerced. They were the countries that opposed the war in Iraq. They were the corrupt members of the U.N. Security Council who were brought off by Saddam Hussein.

Back in June, when I introduced the Oil-For-Food Accountability Act, I stated that I believed Saddam Hussein, corrupt U.N. officials, and corrupt well-connected countries were the real benefactors of the Oil-for-Food program. I noted there was evidence that they profited from illegal oil shipments, financial transactions, kickbacks, and surcharges that allowed Saddam Hussein to build up his armed forces and live in the lap of luxury.

The just-released 1,200-page CIA report confirms those allegations and details even more. The report states that some $10.9 billion, that's billion with a ''B'', was secretly skimmed from the U.N. oil-for-food program for Saddam to use as he pleased.

The report outlines how Saddam Hussein used lavish gifts of oil vouchers and contracts to secure the support of countries to lift U.N. sanctions on Iraq and oppose American initiatives in the Security Council. And this might be the most important point I make today—an Iraqi Intelligence report indicated that one nation—France—was bribe to use its veto in the U.N. Security Council againts any effort to use armed forces in Iraq, and France later threatened to do just that.

France was not the only culprit in corruption. France was joined by Russia and China—also permanent members of the U.N. Security Council—as the top three countries in which influential individuals, companies or entities received oil vouchers. According to the report, Russia received 30 percent of the vouchers, France 15 percent and China 10 percent.

The real ''coalition of the bribed and coerced'' is the three members of the U.N. Security Council that were bought and sold by Saddam Hussein. The three members of the Security Council that profited immensely as long as Saddam Hussen remained in power.

The oil voucher system used by Saddam through the U.N. Oil-For-Food program was clever in that the vouchers were negotiable and could be resold to oil companies or other buyers at profits of 10 to 35 cents per barrel.

A voucher for 10 million barrels could generate between $1 million and $3.5 million to the holder of those vouchers.

The report notes that Benon Sevan, the former top U.N. Official in charge of the oil-for-food program was himself a recipent of Saddam's scheme. The report says that Mr. Sevan was allocated 13 million barrels of oil, of which 7.3 million were cashed in. There is also information about how Saddam's illicit oil profits were used to rearm Iraq. The report details how Saddam's deals with Chinese companies helped Iraq improve its missile capabilities. Russian companies provided barrels for antiaircraft guns, missile components, and missile-guidance electronics. French military contractors offered to supply Saddam Hussein with helicopters, spare parts for fighter aircraft and air defense systems. On the WMD front, Duelfer reports that using the Oil-for-Food program, Saddam Hussein was making a point of procuring the resources and establishing the networks to start a massive effort to produce chemical-weapons production just months after sanctions were lifted.

With Saddam's coalition of the bribed and coerced in place as three of the five permanent members of the UN Security Council, no amount of coalition-building by an American president was going to preserve the sanctions on Saddam Hussein. No amount of diplomacy was going to get those countries to enforce Security Council resolutions by force. They were permanent members on Saddam's payroll. The CIA report notes that Saddam had succeeded: to the point where sitting members of

the Security Council were actively violating resolutions passed by the Security Council.

So when I hear talk about some kind of a global test, or the need for UN Security Council approval for the use of force this Senator turns away in disgust because, with the release of the Duelfer report, we have names, dates, and amounts of bribes to prove that our critics, including the UN, do not have the moral authority to judge our actions. They are not motivated by security interests, humanitarian needs or any other noble cause. They are motivated by greed. America's freedom to use force wisely and justly is truly the world's best hope for peace and security. God bless President George W. Bush for having the courage to stand by his convictions.

He is doing his job. It is time, now, for the U.S. Senate to follow the 9/11 Commission's recommendations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think under the unanimous consent agreement that I am entitled to speak for the next 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

TAX RELIEF

Ms. LANDRIEU. Mr. President, the Senator from Nevada makes some interesting points. I will have more to say about that specific issue later, as will other Senators from this side. But I am glad that he brought up the point of greed because it is actually something that I am going to speak about myself but as it relates to a different aspect, a different bill, and a different issue, but basically the same ''sin,'' if you will.

Unfortunately, it is not our allies who are committing this sin, it is us right here. We are debating now, over the course of the next several days, and have actually been debating for 2 years, a tax relief bill prompted by the World Trade Organization's decision that some of the things in our U.S. Tax Code were contrary to the free trade principles that most of us—not all of us but most of us—espouse. So that decision set in motion a very necessary effort to address that decision by changing some things in our Tax Code.

Of course, anytime you open up the Tax Code there are many people interested in changing the words, the letters, the titles, the paragraphs, and the provisions. Sometimes a change in one word could mean a $1 billion windfall for a particular company, or millions of dollars of windfall for particular entities. There is a lot of interest every time this body opens up a tax bill.

Two years ago when it came to the attention of some of us that a tax bill would be opened, and then as the 9/11 tragedy happened and as we saw men and women from our States going to the front lines to fight in Afghanistan and Iraq, and as we watched some of our health units, particularly in New Jersey, New York, Pennsylvania, right here in Washington, DC, and Virginia respond to some very tough casualties that this country experienced, some of us began to think: What could we do in this tax bill to honor the men and women who are on the front lines?

Not being on the Finance Committee, I wasn't aware of all the specific aspects, but I knew there would be maybe hundreds or thousands of entities, corporations, big and small, groups that thought they were entitled to some sort of tax break.

For the life of me, I didn't think we would have any trouble at all when a group of us got together—Senator BOXER being one, Senator MIKULSKI, Senator MURRAY, Senator DASCHLE, Senator REID, Senator BOND, the Senator from South Carolina, LINDSEY GRAHAM, and many others—and thought, having been to a lot of parades and flag-waving ceremonies for our troops, maybe there would be a way we could help them in this tax bill.

I know it is not the focus, but we figured—or I thought—there would be lots of other people who were trying to get in. So why don't we try to get our troops in? The good part of this story is we did in the Senate, with the help of Senator GRASSLEY, Senator BAUCUS, and many members on the Senate Finance Committee who worked long hours, many weeks, many months negotiating a bill that would correct the original problem that the World Trade Organization had, and provide some tax relief, according to their views and other people who wanted tax relief; we put in a tax benefit of $2 billion for the men and women who are actually on the front lines, the guardsmen and reservists who have become a larger and larger component of our fighting force, who leave their regular jobs, leave their families, and leave their regular civilian life, put on their uniforms and go to the front lines.

We know from reports which we have read and from our own experience representing our Guard and Reserve in our own States that 40 percent of these men and women take a cut in pay to go to the front lines. Not only do they take the bullet, not only do their Humvees get blown up on patrols, but they also take a cut in pay to go.

Some of us had the notion that maybe in this bill, whether it was going to be $350 billion or $75 billion or $100 billion, now it is $137 billion—I would like to show you what that looks like. This is only part of it. This is what a bill looks like that has tax relief provisions of $137 billion. This is just part of it. I am going to get the rest of it because it is a lot of pages.

Some of us had the foolish notion that maybe the Congress could find one page, one paragraph, one letter to include tax relief for American businesses that are doing the right thing, the patriotic thing, by filling the pay gap that these men and women are experiencing. When they leave their civilian life and they put the uniform on, and they pick up their paychecks from the Army, Air Force, or the Navy, they get a substantial cut in pay. Some of the employers are making them whole and doing the right thing, the patriotic thing. We thought surely in this tax bill we could give a tax credit to those small businesses because times are not good everywhere in some States and communities. Really, the whole economy is weaker than we had expected and these small businesses are struggling.

But I don't know why Chairman THOMAS from California who wrote the bill, and the House leadership of Congressman DELAY and Speaker HASTERT, couldn't find one page or paragraph to include them. So they were left out. They weren't in the top of the list, they weren't in the middle of the list, and they were not at the bottom of the list. They are not on the list.

We stand here and talk all weekend about our intelligence reorganization to secure ourselves. We talk about spending and the investment in our defense to secure ourselves. Let me just ask anyone who would want to come to this floor, or Chairman THOMAS, if he is listening to me, what could we be thinking if we are not even keeping the paychecks of the men and women on the front lines whole? No bonus, no extra, just keep their paycheck whole, just to keep their house payments up, just to keep the car notes for their spouse who is at home so they can continue to work and transport the children, just keep the children's trust funds moving along so they don't have to make that up when they come home—what could they be thinking? They weren't thinking very well on the House side. They took it out.

If we could afford $2.5 trillion in tax cuts in 2001, I think we could at least allocate one-tenth of 1 percent to our troops on the front lines who are protecting us today.

I want to say another thing to the businesses that are in this bill. I have a lot of companies in Louisiana that are going to benefit from this bill. I have not a word to say about that. I am happy they are in. I am sure they have good reasons. I am sure it is going to help create jobs.

But I have a word to say to the businesses in the United States of America. No business would be here, no business could operate, no business would have international trade, no business would have stockholders, no business would have a profit sheet, no businesspeople would be paying taxes on profits they made if it were not for the men and women in uniform who go to the front lines every time we have a conflict, a peacekeeping mission or a war to undertake to protect their commercial interests.

I am confident that the businesspeople who are represented in this bill know that. I know they are not going to blame me for taking a few days to talk about it. I know they will say, Senator, you are right. We are

grateful to the men and women in uniform. We are actually a little embarrassed because we are in the bill and they are not. It is not their fault. It is nobody's fault. But the House leadership who wrote the bill left them out.

We have in this bill help for investors who want to invest in a subway system in Paris. I like NASCAR. Lots of people in my State go to NASCAR races. We have tax relief for NASCAR. We have tax relief for ceiling fan importers with Home Depot. I shop at Home Depot. I like Home Depot. But we left out the Guard and Reserve.

I don't know. I am just starting to think that unless the cameras are on nobody remembers the truth. It is only the photo opportunities or the rallies or the parades that everybody goes to. We wear the pins and the flags, but when it comes to the budget and to the tax bill, we leave them out.

I don't think our troops need a lobbyist. I thought we were their advocates. Mr. President, $137 billion and we could not allocate $2 billion, not $1 billion, not half a billion?

I will speak about this as often as possible for the next couple of days. I tell my leadership, I don't want to make people's lives miserable. I am happy to talk with our leadership and the Republican leadership about any time agreements that make people's weekends convenient, but I could not in good conscience not spend some hours—whether it is 2, 5, 10, or 30—talking about the 5,000 men and women who have been deployed out of Louisiana, who are on the front lines, whose employers, whom I know personally, are making their paychecks whole.

We had the chance to help out small business, to help our National Guard and Reserve. Somebody, somewhere, on the other side of this Capitol made a decision that is immoral, unconscionable, and most certainly not justifiable.

I will present for the record some names of families. I will present some hardship cases so the record is clear about the kind of families we have turned our backs on and the kind of employers who are doing the very best they can. While they are hiring a replacement, because they obviously need the job done, and sending the paycheck overseas, the Government of the United States, which is supposed to be on their side, decides we do not want to help them because we have higher priorities.

What higher priorities could we possibly have in the Tax Code at this time? If any one of my colleagues wants to explain to me and anyone else what could be a higher priority, I would appreciate it. If there is something else in here for the Guard and Reserve, for the military, to support our troops directly, please tell me. Maybe I didn't get to read the whole report.

I was on the Armed Services Committee for several years. Eventually, I hope to be on Defense Appropriations where I can do more work along this line. I know one thing, last year the Guard and Reserve, despite the fact these are the most dedicated and patriotic men and women—they will go the distance. They do not complain. They do not even like to say what is wrong because they feel sacrifice is what they do. I understand that. They came 5,000 people short of their retention goals. Could it possibly be because, although the soldiers do not mind making the sacrifice, they are getting belly sick of their spouses and their wives and children making sacrifices more than the rest of us are making? Why can't we sacrifice and help them? Why do they have to continue to make the sacrifice? When we have the opportunity, we say no.

Drastic pay cuts, bankruptcies, foreclosures—these aren't exactly the kinds of challenges members of the American military reserve signed up for when they volunteered to put their life on the line for us and for a country as great as this. For all of our pompous talk about how patriotic we are in this Congress, the least we can do is keep their paycheck whole.

Let me talk about three families I actually know. I will be in the Chamber talking about more.

Janet Wright is from Hammond, LA. Her husband Russell is in the Marine Corps. I have the Marine Corps pin on today in honor of our men and women. He makes $60,000 a year in the civilian world. He was activated and made only $30,000. He took a 50-percent pay cut. Mrs. Wright said that after a couple of months she started to put water in her children's cereal while her husband was gone because she had to count every penny. That is what happens when we give out $137 billion: We cannot help the Wrights. We don't have enough money to help the Wrights, so they have to put water in the children's cereal bowls.

Scott is a Navy reservist from California. He lost his home when he was activated and he lost nearly $1,000 a month in pay because the Navy job was different than the civilian. People say, Senator, that is impossible. There is a law that protects people from losing their home. I know that. You cannot foreclose on someone's home when they are on the front line. But the problem is, the bills add up and when they have to come home, if they have not paid those monthly notes and they cannot pay it within a certain amount of time, the foreclosure happens.

I don't understand how we don't have any money to fix it. How can I go home and tell my Guard and Reserve, I'm sorry, we didn't have any money, but here is $137 billion we gave out to everybody else? I am not going to do it. I can't go home. So I would as soon stay here because I don't have a thing I can tell them, not a thing I can say.

I will tell more stories about real people. They are calling my office right now and sending letters. We are getting a lot of e-mails. I will come down here until I hear from Chairman THOMAS. We are sending a letter to the President at 6 o'clock today.

Let me say on the record I don't think the President of the United States knows they were left out. He has a lot on his mind. I understand that. And I know this is only one of a thousand things he has to consider, literally, weekly. But I am sending him a letter to let him know. I cannot amend this bill; it is beyond my power to amend it. It is against the rules. But the bill could be vetoed and this could be included. Or the President could send a message to his House leadership that says, you must have made a mistake; we should have included this. We obviously could afford it and he could promise to fix it.

I hope that is a response we will get over the next couple of days. I don't know. I know he is very busy on many other things right now. There will be a big debate tonight, but this is something I had to bring to our attention.

Over 410,000 members of the National Guard and Reserve have been activated since September 11. Secretary Rumsfeld has predicted that number may go up to 640,000. That is a lot of families dependent on us to make good decisions for them. This was not a good decision made by the House leadership. I will do everything in my power to get them to change their mind, to change the bill, or to promise they will put in this $2 billion or $3 billion—whatever it will cost to close this pay gap—so the men and women who leave your State of Illinois or my State of Louisiana or the Senator's State of Ohio or the Senator's State of Massachusetts, when the soldiers leave to go overseas, they have confidence that when we have a chance to help them keep their pay whole, keep their benefits intact, give them some support in the spousal support program we have established, we are there for them.

I understand the Senator from Massachusetts will speak and I understand the Senator from Iowa will yield the time to make that possible. But if my colleagues are wondering why the process has slowed down, why we are having a hard time getting a schedule for the next couple of days, this is one of the reasons. This is the reason I am voting against the bill and will be speaking about it as the days go forward.

I yield the floor.

Mr. REID. It is my understanding that the majority has people who want to speak. I know the Senator from North Carolina is here and wishes to speak for 10 minutes and the Senator from Massachusetts wishes to speak for up to 30 minutes. This would be as if in morning business. Senator KENNEDY will speak for up to 30 minutes. Of course, the time counts against the 30 hours we are working under now. And we would ask that the majority be recognized for up to 30 minutes, to match that of the time for Senator KENNEDY,

with the first 10 minutes being for the Senator from North Carolina, and that time also be counted against the 30 hours. I ask unanimous consent that be the order.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, while my good friend the Senator from Louisiana is in the Chamber, I commend her for the enormously persuasive case she has made and say I agree with her 100 percent and will certainly do everything I can to support her.

The point is, we passed this underlying bill in June, and the conferees were appointed in July by the Senate of the United States. The House of Representatives did not even appoint their conferees until the end of last week, and did not have their first meeting until Monday of this week, and we are trying to jam this legislation through the Senate late in the afternoon on a Friday, and the cloture motion was filed the first thing this morning before there was 1 minute of debate on it.

Ms. LANDRIEU. Yes.

Mr. KENNEDY. I say that both in terms of the substance, which is so powerful, and the process and the procedure in standing for the Guard and Reserve, I commend the leader. There is an arrogance among the chairman of the House Ways and Means Committee and the Republican leadership that ends up and results in this kind of a situation where they say: Well, there won't be people over there who will stand for the Guard and Reserve. We will send it over there late either last night, which they would have done if they had been able to get these printed up, or we will have it over there on Friday morning, and they will all want to take off on Friday, so they will go ahead and pass it. That is the view.

I commend the Senator from Louisiana for the substance and commend her for the process as well. And I will take the time not just at this moment but also to comment about the same legislation, how Chairman THOMAS and the Republican leadership are prepared to take care of the tobacco companies but not take care of America's children. That was the choice. You could have done both. I would have supported looking out after tobacco farmers who are having difficulties on that. I would have supported having the tobacco companies pay for that particular bailout. But it should have included the protection of America's children, and the Republican leadership refused to do that.

It refused to look out after American workers. We have passed—three times in the Senate, twice in the House of Representatives—a prohibition against this administration's repeal of the overtime provisions that affect 6 million of our fellow workers, primarily the first responders. Police and firefighters and nurses: They are three of the largest groups that were going to be affected. We passed that three times. The House of Representatives passed it twice.

We had 5 minutes of discussion on it from the proponents of it in the same conference. I was there. So that is certainly one of the reasons that we speak and we are so concerned about those provisions. We will have a chance to address those matters. But I do want to speak to the Senate on two other matters briefly this afternoon.

AFGHAN ELECTIONS

Madam President, one is the greatest intelligence failures in our history occurred on 9/11, and the seeds of that disaster were planted long ago in Afghanistan, whose people will participate tomorrow in the historic election to select their next President. I know my colleagues share my deep respect for the Afghan people and the many others who worked so hard in recent months to make these elections possible.

The elections already have been postponed three times, and the parliamentary elections that were to be held this weekend have now been delayed until next year. President Karzai has shown tremendous courage and determination in the face of multiple assassination attempts. He and the vast majority of the Afghan people have demonstrated an impressive commitment to a free and democratic Afghanistan.

Yet Afghanistan still faces fundamental threats to the casting of ballots on Saturday, let alone its long-term stability and prosperity. Elections are vitally important to the process of rebuilding a free country, but they are not a panacea for the myriad of problems that face the people in Afghanistan. Those problems will still be there the day after the elections, and the Bush administration, Congress, and the American people cannot afford to be distracted from the ongoing efforts that will be required to bring peace and stability to Afghanistan.

We made that mistake once before in Afghanistan, in the aftermath of the Soviet withdrawal in 1989, and the result was a failed nation that became the breeding ground for the terrorists who attacked us on September 11, 2001. We cannot afford to allow Afghanistan to fall into chaos once again. Unfortunately, because of its misguided war in Iraq, the Bush administration may bring us perilously close to doing just that.

In the aftermath of the terrorist attacks on September 11, President Bush rightly spoke about the need to put Afghanistan on the right course. He welcomed then-Chairman of the Afghan Interim Authority Hamid Karzai to the White House in January 2002, and said:

> The United States is committed to building a lasting partnership with Afghanistan. We will help the new Afghan government provide the security that is the foundation for peace.

Instead of finishing the job, however, President Bush foolishly and recklessly diverted America's attention from the real war on terrorism in Afghanistan by rushing to war in Iraq, a country that had no operational links to al-Qaida terrorists.

We now know that President Bush began planning the invasion of Iraq from the earliest days of his administration. Finding a rationale to get rid of Saddam Hussein was on the agenda from day one of this administration. Barely 3 months after the most vicious terrorist attack on America, the President already began concentrating on Iraq, not Afghanistan. On November 26, 2001, he said:

> Afghanistan is still just the beginning.

And 3 days later, even before Hamid Karzai had been approved as interim Afghan President, Vice President CHENEY publicly began to send signals about attacking Iraq. On November 29, he said:

> I don't think it takes a genius to figure out this guy [Saddam Hussein] is clearly . . . a significant potential problem for the region, for the United States, for everybody with interests in the area.

The shift was all but sealed by the time of President Bush's State of the Union Address on January 29, 2002. Karl Rove had told the Republican National Committee that terrorism could be used politically. Remember that speech, that terrorism could be used politically? That is Karl Rove in 2002: Republicans could ''go to the country on this issue.''

In the State of the Union Address, President Bush unveiled his ''Axis of Evil''—Iraq, Iran, and North Korea. Those three words forged the lockstep linkage between the Bush administration's top political advisers and the Big Three: Cheney, Rumsfeld, and Wolfowitz.

What did President Bush say about bin Laden in the State of the Union Address that day? Nothing.

What did he say about al-Qaida? One fleeting mention.

What did he say about the Taliban? Nothing.

Nothing about bin Laden, a fleeting mention of al-Qaida, nothing about the Taliban in that State of the Union Address.

With those words, we lost our clear focus on the most imminent threat to our national security—Osama bin Laden and al-Qaida. The President had checked the box on Afghanistan and was poised to use the 9/11 attacks to advance his Iraq war agenda of a war on Iraq.

The consequences of that decision have been severe for the security of Afghanistan and for the security of the American people. Without a doubt, the war with Iraq has distracted us from the hunt for Osama bin Laden.

The administration botched the battle at Tora Bora in December 2001. By outsourcing the job to warlords in Afghanistan, he let Osama bin Laden escape. Instead of sticking with the job of capturing bin Laden, the administration launched a war with Iraq. Reports indicate that the Bush administration shifted special operations soldiers and

Arab language specialists from Afghanistan to prepare for the war in Iraq. And it recently pulled the State Department's extraordinarily talented assistance coordinator for Afghanistan, William Taylor, out of Afghanistan and sent him to Iraq. Saddam Hussein is behind bars, but he did not attack America.

Meanwhile, Osama bin Laden is probably hiding somewhere in the ungovernable tribal region between Afghanistan and Pakistan planning another attack on America.

Security outside of Kabul is tenuous because we and our allies are overstretched in Iraq and cannot commit sufficient troops in Afghanistan. We have 140,000 troops in Iraq and our allies, another 20,000. It was al-Qaida operatives who trained in Afghanistan who attacked America. Yet America has seven times more troops in Iraq than in Afghanistan.

We obviously do not have enough soldiers to secure Afghanistan. It was the lowest troop-to-population ratio of any postconflict country during the past 60 years. President Karzai asked for 20,000 new troops for election security at the NATO summit last June. The U.N. reportedly estimated this summer that it would take somewhere between 5,000 and 15,000 additional troops to secure this Saturday's election. Sadly, what NATO and the United States eventually provided fell far short of that requirement—3,000 troops total. Spain agreed to send a battalion to Afghanistan for election security only after the Government pulled its troops out of Iraq. Our allies can't meet NATO requests for a minimal increase in troops for Afghanistan because they too are bogged down in Iraq.

This administration's lack of credibility with the international community has made it almost impossible to obtain the necessary troop commitments to win peace in Afghanistan. Because the international community is unable to provide adequate security in Afghanistan, the forces of the Taliban and al-Qaida continue to strike regularly. Most experts believe that elements of the Pakistani security services continue to support the Taliban and that Taliban forces are able to move freely between Afghanistan and Pakistan and can launch attacks on American and Afghan forces before retreating to their sanctuaries in Pakistan.

The Bush administration's Ambassador to Afghanistan admits what has become the obvious truth on the ground: The Taliban ranks are growing in Afghanistan.

Our Ambassador Zalmay Khalizad told reporters in September:

> With regard to Taliban, I have to say that there may have been some growth in the numbers of their people that are active. There has been some effort, obviously, at recruitment, increased effort at recruitment in the refugee camps and in the madrasas.

Ambassador Khalizad also tells us that he still sees a ''strong link'' between al-Qaida and the Taliban in Afghanistan. Three years after our invasion of Afghanistan to deny al-Qaida its sanctuary under Taliban protection, the Taliban and al-Qaida still retain a strong relationship in Afghanistan. How did the Bush administration ignore the fact that America cannot be safe until Afghanistan is stable and al-Qaida no longer has a haven there?

As a result of the poor security, President Karzai still does not have full control over his country and is forced to negotiate with warlords who control private militias with forces numbering in the tens of thousands. A recent report by Human Rights Watch summarized the issue well:

> Political repression by the local strongmen is the principal problem. Through the country, militarized political factions . . . continue to cement their hold on political power at the local level, using force, threats, and corruption to stifle more legitimate political activity and dominate the election process.

Our inability to secure Afghanistan means that opium production is at record levels. Funds from the drug trade are being used to finance attacks against our troops and against the Afghan people. They are being used to operate the private armies of the warlords and rebuild the ranks of the Taliban. They are pouring fuel on the fire of instability and terrorism. Yet the administration failed to give a priority to shutting off the drug trade in Afghanistan, and the result has been predictably destructive.

Two weeks ago, Robert Charles, our Assistant Secretary of State for International Narcotics and Law Enforcement, painted an ominous picture in his testimony in the House International Relations Committee. He said:

> On the narcotics front, tied like a ball and chain to security, justice and economic development, we stand in the darkness of a long shadow . . . President Karzai and other Afghan officials have said that drug trafficking and the corruption it breeds may be the biggest threat right now to Afghan's long-term security and democratic future.

The CIA and the United Nations estimate that the crop of poppies for 2004 will be 20 to 40 percent greater than last year. That means 500 tons of heroin. No wonder Afghanistan now accounts for 75 percent of the worldwide production of opium.

The long shadow that Robert Charles described is the shadow of our misguided war in Iraq. The forces and resources we are pouring into Iraq could have been used and should have been used to end the drug trade in Afghanistan, regain control of the country from the warlords, and dismantle their militias.

Last month, LTG Walter Sharp of the Joint Chiefs of Staff told the House International Relations Committee that less than half of the approximately 40,000 people targeted in Afghanistan for disarmament had actually been disarmed. The operations manager of the U.N. disarmament program on the ground in Afghanistan told the Financial Times that fewer than 10,000 of the targeted individuals had been disarmed. Clearly, the effort to dismantle the private militias has fallen drastically short with dangerous consequences for Afghan stability.

In June, local militias killed five aid workers from Doctors Without Borders in a brutal attack. In July, that distinguished nongovernmental organization pulled out of Afghanistan after 24 years of helping the Afghan people. Their loss is a sad commentary on the continuing violence and the Bush administration's misguided handling of Afghanistan. The failure to crack down on the narcotics trade, the continuing domination of much of the countryside by warlords, and the inability of this administration to provide sufficient troops to stabilize the country are major setbacks to the war on terrorism. Clearly some progress has been made. I hope the elections tomorrow will proceed without incident. But if we had not rushed to war with Iraq, much greater progress could have been made and certainly would have been made in Afghanistan, and America would be safer today. Yet President Bush continues to deny this obvious reality. Incredibly, he told a campaign rally in Ohio last week that as a result of the U.S. military, the Taliban no longer is in existence.

Representative RON PAUL, a Republican Congressman from Texas, does not agree. As he said on September 23:

> A picture of Afghanistan has been painted, I think, overly optimistic. You read the newspapers, what you're talking about doesn't even exist from the reports that I have read about what's really going on. And when you hear about the Doctors Without Borders leaving, after having been there through the Russian occupation. The U.N. wants to leave. Protection of the president is very precarious. We don't know what will come of that.
>
> The airport's getting bombed. There's estimates that 90 percent of the country, at least a very large percent of the country, is under the occupation of the Taliban and the warlords. We have a serious disconnect here and we have to be—as Americans and as members of Congress, we have to be realistic and not hide from the realities of what is happening.

That is from a Republican Congressman from Texas. I couldn't agree more.

In the aftermath of 9/11, it was clear that America had to deal effectively with Afghanistan as the highest priority for our national security. It was clear that America could not be safe if Afghanistan remained unstable. Instead of finishing the job, we rushed off to fight a different war, the war in Iraq. We squandered the tremendous worldwide good will that flowed to America after 9/11. We alienated longtime friends and leaders in other nations on whom we heavily depend for intelligence for support in the ongoing war against terrorism. Distrust of America has soared throughout the world. We are especially hated in the Muslim world. The past 2 years have seen the steepest and deepest fall from grace our country has ever suffered in the eyes of the world community in all our history.

All this is the heavy price our country has paid because of the war in Iraq that America never should have fought. We cannot afford to continue down this dangerous path of incompetence in foreign policy. We know that America has to do better.

As I have said before, the only thing we have to fear is 4 more years of George Bush.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

UNEMPLOYMENT

Mr. KENNEDY. Madam President, earlier today, the Department of Labor issued its report on the state of unemployment in the country. I want to just comment on this. It is official now that President Bush will be the first President since the days of Herbert Hoover and the Great Depression—over 70 years ago—to preside over a net loss of jobs during his Presidency.

Today's job numbers show that only 96,000 were created last month, which is even lower than economists had predicted in order to keep up with population growth. Even worse, a third of the jobs created were in temporary positions. Another third were government jobs, which means the private sector job creation is far from recovering.

The official unemployment rate is 5.4 percent, but the real rate of unemployment and underemployment is 9.4 percent. More than 400,000 workers have stopped looking for work because they are so discouraged. They are no longer counted in the official rate. Another 4.5 million are working part time because they cannot find full-time jobs.

Part-time workers and temporary workers earn less money than full-time permanent employees and often do not even receive benefits. America's workers have been out of work for months. They have finally found a job, but it is part time or temporary, so they take a huge cut and have no health insurance. Temporary workers earn about 40 percent less a week than the rest of the workforce.

Of the 8 million unemployed workers, nearly 22 percent are long-term unemployed; they have been out of a job for more than 6 months. This long-term unemployment rate has been over the 20-percent mark each month since October 2002, 2 consecutive years, which is the longest streak since this data has ever been collected.

Despite these record highs in long-term unemployment, President Bush allowed the unemployment insurance program to expire last December. These workers have worked hard, played by the rules, and paid into the unemployment trust fund, which now has $20 billion in it. But the President had said no to extending unemployment benefits for these workers.

Do we understand that, Madam President? You don't get unemployment compensation; you are not eligible unless you have worked and contributed to the fund. The reason the fund was set up was for just this kind of condition, where workers have been working, want to work, and need to work, but the economy slows down, so they receive unemployment compensation for a period of time, generally 26 weeks. It has been extended 13 weeks in particularly high unemployment areas. It is just enough to cover the mortgage and put some food on the table and put gas in the automobile. It is interesting that Bush No. 1 extended the unemployment compensation three times, when we never had the economic and adverse economic conditions we have at this time. But this President will not extend it to help these workers.

The job situation is even worse for people of color. The unemployment rate for African Americans is more than 10 percent—almost double the national average—and for Hispanics, it is 7 percent. And women are not faring well in this economy. The income of low-income single mothers has gone down by 3 percent every year in the Bush economy—3 percent constantly down.

But President Bush and the Republican Congress refused to raise the minimum wage, which would benefit primarily women—7 million of our fellow citizens, men and women of dignity, who work hard, clean out the great buildings where American industry is housed, help as assistant teachers, work in nursing homes—primarily women; and many of them have children, so it is a women and children's issue, a family issue. It is also a civil rights issue because so many of those who earn minimum wage are men and women of color. It is a civil rights, family, women and children, and a fairness issue.

Americans believe if you work hard 52 weeks in the year, you should not have to live in poverty. Why is it that the Republican leadership has refused to let us have a vote on increasing the minimum wage? I offered to increase the minimum wage on the TANF bill. What did the leadership do? They pulled the bill. I offered it on the State Department reauthorization bill. They pulled the bill so the Senate could not vote. Here you see the results of that: no long-term unemployment compensation, no increase in the minimum wage.

Now we hear, as I heard on the Joint Economic Committee, about how the hurricanes have really impacted things. We heard other testimony that because of the hurricanes more people are working to try to deal with the problems. All of this is against a background where those workers are facing the perfect storm: the lack of an increase in the minimum wage, lack of unemployment compensation, and the fact that this administration has put in the regulations to deny overtime for up to 6 million American workers. So they are going to work longer and harder—because that is the record if you don't have that protection—and they will make less.

You have those three coming at you and, at the same time, you have college tuition going up 38 percent. Health care premiums are up 59 percent. Gas, 40 percent.

If you can believe it, milk, in Cape Cod, MA, last week was $4.05 a gallon. It is a little less in other parts of Massachusetts, maybe a little over $3. But it is $4.05 a gallon there, and we cannot get an increase in the minimum wage.

So American families are working and working long and hard.

What happens after all this? We have a proposal on the floor of the Senate called the JOBS bill—how much time remains?

The PRESIDING OFFICER. There is 3 ½ minutes remaining.

Mr. KENNEDY. The JOBS bill was meant to initially deal with the $4.5 billion problem at the World Trade Organization. What has happened is the Republican leadership in the House of Representatives sent over a $143 billion program that benefited the tobacco companies at the expense of the children, and also increased financial incentives to drive more American jobs out of the country, rather than bring them home—outsourcing.

My friend, the Senator from Florida, BOB GRAHAM, will address this issue during the course of this debate. We see how this legislation disserves American workers even more.

This is a fierce record and everybody on Main Street knows it. This economy is working fine for Wall Street. It works well for the elites, the elite corporations and the elite individuals. In this economy, we have had four tax breaks—at a time when we are fighting two wars—for the elite corporations and elite individuals. But for the working families on Main Street, they are suffering. Hopefully, they will have an opportunity to express themselves on election day.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. DORGAN. Madam President, I wonder if the Senator will yield for a question.

Mrs. DOLE. Yes.

Mr. DORGAN. Madam President, I understand the Senator from North Carolina is speaking as in morning business under a block of time allocated to the other side by prior agreement.

I ask unanimous consent that following the Senator from North Carolina—if nobody is on the floor—that I be recognized for 15 minutes as in morning business, preserving the remainder of the 30 minutes allocated to the other side. If other speakers on that side are here to follow the Senator from North Carolina, I suggest that I follow them at the end of the 30-minute period.

Mr. REID. Madam President, I ask unanimous consent that the Senator modify his request that for whatever time he uses, the majority have equal

time, subsequent time, and that the time the Senator from North Dakota uses and the time of the majority following him be charged against the 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina.

CONNECTION BETWEEN IRAQ AND AL-QAIDA

Mrs. DOLE. Madam President, in our post-9/11 world, most Americans would agree that to defend our Nation and the freedoms we hold dear we must continue to succeed in the war on terror. As many of my colleagues and I have said, Iraq is the central battleground in the war on terror. The terrorists certainly know what is at stake, which is why they are pulling out all the stops to derail our efforts there. They know that a free and democratic Iraq is a serious blow to their interests.

Collaboration of Iraq's former regime with terrorist groups and its funding of them have not been in question. Democratic cochairman of the 9/11 Commission, former Congressman Lee Hamilton, told reporters that there were connections between al-Qaida, and Saddam Hussein's government. Still, few naysayers have passed up the chance to contest links between Iraq and al-Qaida, links that have existed for more than a decade.

Charges have been made that Iraq was not a haven for terrorists before the war, this statement being made just days after terrorist followers of Zarqawi, arguably the most dangerous terrorist in the world today, kidnapped and beheaded American civilians in Iraq. Reports strongly suggest that Zarqawi himself committed the atrocities.

He and his men trained and fought with al-Qaida for years. Not only was Zarqawi in Baghdad prior to Saddam's ousting, but nearly two dozen members of al-Qaida were there as well. One al-Qaida associate even described the situation in Iraq as ''good'' and stated that Baghdad could be transited quickly.

Then there is Abdul Rahman Yasin, another terrorist who was in Iraq long before the war. Yasin was a member of the al-Qaida cell that detonated the 1993 World Trade Center bomb. Documents discovered recently by U.S. forces in Saddam's hometown of Tikrit show that Iraq gave Yasin both a home and a salary until the eve of the war in Iraq. When a Newsweek reporter interviewed Yasin's Baghdad neighbors, they told the reporter that Yasin was ''working for the government.'' Is this not a clear example of Iraq not only having a relationship with al-Qaida but also harboring and rewarding a terrorist, a person who was directly involved in a terrorist attack on our soil?

What about a link between Osama bin Laden, the al-Qaida leader himself, and Iraq? The 9/11 Commission Report states that Iraqi intelligence officials and al-Qaida members met in the spring and summer of 1998, and that an Iraqi official offered bin Laden a safe haven in Iraq. In its 1998 indictment of bin Laden, the Clinton administration asserted that al-Qaida and the Iraqi Government had an understanding that they would not work against each other, and on projects such as weapons development, they would work cooperatively. Is this not evidence of bin Laden and al-Qaida having a collaborative relationship with the Iraqi Government?

In a recent interview with a French newspaper published August 29, 2004, Hudayfa Azzam, the son of bin Laden's mentor, Abdullah Azzam, said the Iraqi regime and al-Qaida had worked together closely before the war. He said:

> Saddam Hussein's regime welcomed them with open arms and young al-Qaida members entered Iraq in large numbers, setting up an organization to confront the occupation.

Azzam said that al-Qaida members came into Iraq from Afghanistan, across mountains in Iran, with the help of Kurdish militants. And once in Iraq, Saddam strictly and directly controlled their activities, according to Azzam. Here is yet another example of al-Qaida members infiltrating Iraq and being given safe haven prior to the entrance of coalition forces.

Let me be clear, despite recent political criticisms and media reports that have clouded or even misrepresented the facts, there is ample evidence of terrorists operating out of Iraq prior to the war, and there is compelling evidence of a longstanding link between al-Qaida and Iraq. The bipartisan Senate Intelligence Committee report informs us of this, as does the bipartisan 9/11 Commission Report.

Again, let me emphasize, Iraq is the central battleground in the war on terror. Recently, before a joint meeting of Congress, Prime Minister Allawi spoke of the challenges and continued progress in his country. He offered eloquent words of gratitude for America liberating the Iraqi people. I close today with a simple, but significant, statement that he made without much notice or fanfare. In talking about Iraq he said:

> We are fighting for freedom and democracy—ours and yours.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota has 15 minutes.

Mr. DORGAN. Madam President, I believe I asked for 15 minutes.

The PRESIDING OFFICER. That is correct.

JOBS BILL

Mr. DORGAN. Madam President, I came to the floor because we are going to have a great deal of business in the final days of this legislative session. Some of the legislation will be very significant. This is one piece of tax legislation that originally came out of the Senate Finance Committee and the House Ways and Means Committee. It rests on all of our desks. It is a large unwieldy piece of legislation dealing with, in some cases, arcane portions of our Tax Code.

There is much in this conference report on what is called the FSC/ETI bill, which is the shorthand way we talk around here. Others call it the JOBS bill. There is much I commend, much that I support, and much that I think represents good work. But I want to talk a moment about some missed opportunities as well.

I am mindful of what Mark Twain once said. It is always easy to be negative. Mark Twain once said, when asked if he would debate: Of course, if I can take the negative side.

They said: We haven't told you the subject.

He said: It doesn't matter, the negative side doesn't require preparation.

I am mindful of that when I am trying to pick apart some pieces of this bill, but I think it is important to talk about missed opportunities at this late date.

I am going to vote for this bill, but I will tell you what is not in it and should be.

We are drowning in debt in this country. We have the largest budget deficit in the history of America, and add to that the largest trade deficit in the history of this country. We are neck deep in debt. We are spending money we do not have, in some cases on things we do not need. We send our men and women to war and say, by the way, we will not pay for that, we will have them pay for it when they come back. We are drowning in debt.

One part of dealing with that debt in fiscal policy is to try to get the revenue into the coffers of the Federal Government that is owed by those who are required to pay taxes.

Let me describe a couple headlines from recent days:

> House Negotiators Reject Tougher Tax Shelter Penalties.

Those House negotiators said: No, we do not want to get tough to shut down tax shelters and tax dodgers. I am talking now about very large corporations that make billions of dollars and decide they want to do everything they can do as an American citizen, except they do not want to pay taxes. They do not want the obligation of paying taxes.

Madam President, $40 billion would have been raised as a result of the provision that was objected to by the House negotiators. That's $40 billion saved in taxes that will not be paid by companies that should have been full taxpayers.

October 7:

> How Big Tax Shelters with Cities Shortchanges the Federal Treasury.

This is about people buying a sewer system. Can you imagine someone wanting to own a sewer system? But cities are now selling their subways, city hall, and the sewer system. Why? Because if they sell it to a corporation, a corporation can depreciate it, and then they can each share in the tax writeoff because a city does not have a tax write off because it is not taxable. So we see these things being sold to

private investors so that everybody wins, except the taxpayer loses, and our debt goes up and up because entities that should be paying taxes are not.

Let me talk just for a moment about the issue of missed opportunities with respect to runaway plants and moving American jobs overseas.

This morning there was an announcement about the number of jobs created in the last month. We need to create about 175,000 jobs a month just to keep pace with the increased population moving into the workforce. This month it was only 96,000 new jobs, far short of what is necessary just to keep pace with the new people coming into the workforce.

Even as we struggled to create these new jobs, we have in place a provision in this country's Tax Code that says to a company: Guess what. If you will just decide to move your jobs overseas, we will give you a tax cut for doing it.

We will give you a big fat tax cut if you move your jobs overseas. Now, I cannot think of a more pernicious, obscene thing to do than to say to American companies, move your jobs and we will give you a tax cut.

If some tax concessions are going to be given, give them to the businesses that create jobs and stay here, not to the businesses that fire their workers and move their jobs to China, Bangladesh, Sri Lanka, and Indonesia.

We voted on this provision and the Senate actually turned it down. Senator MIKULSKI and I offered an amendment that said let us shut down this pernicious tax cut that says to people, move your job overseas and we will give you a benefit. That, it seems to me, should have been a revenue raiser in this bill.

Or how about the proposition of American companies that decide they want to have all the benefits that accrue to being an American citizen as a corporation—because in law we say a corporation is a citizen, artificial citizenship. It can sue and be sued; contract and be contracted with. It wants in some cases all of the opportunities of citizenship in this country except for paying taxes. That is why we see corporations that decide what they want to do is do their business through a post office box in the Cayman Islands. Why? Is that where they run their company, from a post office box? No. What they want to do is shelter their income from this country so they can have all the benefits our country has to offer them but avoid paying U.S. taxes that are required.

Who then pays the taxes? Oh, it is just the working men and women who get up in the morning and dress and go to work all day. They do everything right, and at the end of the day they try to provide for their families and try to pay shelter and transportation, all the things that are necessary to send their kids to school, pay for health care, and then pay taxes as well.

It seems to me this is a terrible missed opportunity to shut down aggressive tax shelters, to shut down the tax opportunities that have come from tax haven subsidiaries of U.S. corporations.

I could go through a list of corporations. One corporation, for example, set up 441 entities in the Cayman Islands alone. Yes, an American corporation, an energy company, for example, set up 441 subsidiaries in the Cayman Islands. Why? Because they do not want to pay taxes.

The Halliburton Company has 17 tax haven subsidiaries, including in Liechtenstein—Panama, Cayman Islands, Liechtenstein. I would like to see these shut down. If you are setting up circumstances where you are doing business through a post office box in the Bahamas or the Cayman Islands or, yes, Liechtenstein, in order to avoid paying taxes, the next time you get in trouble maybe you should call out the Liechtenstein Navy to protect you, or the Bahamian Navy. Someone told me the Bahamian Navy has 20 people.

These companies want all the benefits that can come to an American citizen, but they do not want to pay their fair share of taxes. Again, we have people who get up every morning in this country, they are good citizens, pay their bills, and they pay their taxes, because they want to send their kids to the best schools, and they want to be able to have affordable health care. They want to live in safe neighborhoods. They want grandma and grandpa to have access to health care. They want a good job that pays well. Instead, we have a tax system that says, oh, by the way, we will give you a tax cut to ship your job overseas and oh, by the way, it is fine for you to access, even if you stay here, tax shelters so that if you make money, you do not have to pay, but your workers do. Your workers should pay taxes, but you make $2 billion, you do not have to pay. Do your business through a mailbox somewhere.

These are enormous missed opportunities, and they are missed opportunities because, as this says—and this is why House negotiators reject tougher tax shelter penalties. What that means is a bunch of people come to this conference and say, no, we want to protect these special deals, we do not want to close these loopholes. The fact is, the American people deserve better. This country is drowning in debt.

People ask, how do you get a handle on the fiscal policy? The first thing you do is you stop this sort of nonsense. You stop subsidizing jobs being exported overseas by American companies that are told by this Government, shut down your plant and we will give you a tax cut if you move your job overseas.

Yes, we voted on that in the Senate and it was voted down. Closing that loophole was voted down in the Senate. My hope would have been with the deficit growing worse and worse, that perhaps in conference, working on this bill, we would have seen a conference that would have closed these loopholes, closed these shelters, closed off the opportunities that result in such a massive amount of lost revenue to the Federal Treasury at a time when we are deep in debt.

At a time as well when our country is reliant on about 60 percent of our oil from others around the world, it seems to me that we also missed some opportunities to move aggressively in areas to make us more independent with respect to our oil supply. It seems to me that when we have a circumstance where we need additional energy and we reach for 60 percent of that oil from troubled parts of the world, it puts our economy in great jeopardy. When we are talking about incentives for energy production in this country, we could have done and should have done much better. If we do not understand that the 60 percent reliance on Saudi Arabia and Kuwait and, yes, Iraq, Venezuela, and Nigeria is very troublesome to this country, then we do not understand very much.

I happen to think we are going to always continue to use fossil fuels—coal, oil, and natural gas. I also believe we ought to move toward a hydrogen fuel cell future in which we stop putting gasoline through our carburetors; find an inexhaustible supply of energy such as hydrogen, which is ubiquitous and everywhere, and when you use a fuel cell hydrogen vehicle you put water vapor on the tailpipe, you have twice the power to the wheel. What a remarkable future.

We will not get there because the energy companies, particularly many of them that have a vested interest in what we are doing now, do not want to get there. There are some who are very excited about a new Apollo project in which this country describes a completely new energy future. I would hope some of those incentives would have been in this bill, and they are not.

This legislation which is presented to us now over the weekend is legislation that has a number of things that I believe moves us in a good direction, a number of constructive things.

I will make one other point on tax shelters. My colleague Senator GRASSLEY, for example, announced some long while ago that he was going to put a stop these phony lease transactions between cities and companies. Yet, the way this conference report comes out they actually went easier on some of these transactions. The same is true with respect to inversions.

Corporations that decide, we do not want to be American citizens anymore, we renounce our American citizenship, we want to become citizens of the Bahamas. Why? I do not know. Sun, sand, good food. I do not know. They want to become citizens of the Bahamas in order to avoid paying U.S. taxes so they do something called inversion, which is renounce your citizenship.

There was a date set by my colleague Senator GRASSLEY and his counterpart and they said, beyond this date, understand you are in jeopardy when you do

this. Well, guess what. In this conference, they went a year forward from that date. I do not have the foggiest idea why they did that.

By the way, this is not a criticism of Senator GRASSLEY because he has been a leader in shutting down these abusive transactions. My assumption is that the House of Representatives came over once again and said, no, we cannot buy that.

It is unbelievable that corporations that want to renounce their citizenship are given even an inch of ground by anybody in this Chamber, let alone anybody in that conference. We ought to say, you want to renounce your American citizenship in order to save on taxes? Shame on you. You are not going to get tax benefits or tax savings from this Tax Code, not from this Congress. You want to do what is called an inversion and renounce your American citizenship? Then this Congress is not going to give you one cent of benefits in the Tax Code.

Yet regrettably, what has happened here is they have actually given another year's flexibility to the companies that did that, a year beyond the date in which my colleague—and good for him, Senator GRASSLEY—said, here is the date.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Ms. LANDRIEU. Does it strike the Senator as odd and actually unjust that the same bill that would push the date back for companies to go register in the Bahamas—to give up their U.S. citizenship presumably because they think it is too hard for them to pay their taxes—in that same bill, the men and women who are protecting the right of those businesses to make a profit and to benefit from the great riches of this country were deprived of a tax credit? Does that strike the Senator as an odd way to either begin or end a session of the Congress?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I ask unanimous consent for 1 additional minute to answer my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me answer my colleague from Louisiana by saying of course it is absurd. Let me say it seems to me the first obligation in this Congress is to make sure we are doing what we should do for those men and women who, when called, left their homes, left their families, left their jobs, and went to serve this country. It is unbelievable to me, some of the priorities that have been established around here.

I heard the Senator from Louisiana make the case earlier today. She is absolutely right about that. The soldiers she is talking about should not be put at the end of the line. They ought to be at the front of the line when you talk about trying to do what is right in this bill. I appreciate the leadership of the Senator from Louisiana on that point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I am a little surprised to hear my friend from North Dakota. This bill has been worked on for a long time here. It passed this Senate with a great amount of support. There are some things here that are very important that we are doing, and all I hear is talk about how bad it is. That is interesting.

I think it has a little to do with politics. There are some things on here we ought to be talking about. Please remember why this bill was offered in the first place. We had a benefit that went to manufacturers, a 3-percent reduction if they shipped overseas. What happened is WTO, the World Trade Organization, said, That is not in keeping with our rules, and they started to levy a penalty, each month, that goes up to 17 percent. Something had to be done about that.

The Senator didn't bother to mention that. He didn't bother to mention all the good things that are on here. I don't know whether that is politics or whether they are trying to talk a little bit about the facts. That would be a surprise.

Ms. LANDRIEU. Will the Senator yield for me to have an opportunity to try to answer that just briefly?

Mr. THOMAS. Really, if you have a question, I will take that. Otherwise I think it is my turn to have the floor.

Ms. LANDRIEU. OK. I would just ask the Senator, did he know that at least my remarks were not at all directed politically to this bill? The Senator is correct. Did he know that when the provision I spoke about earlier left the Senate floor, 100 percent of the Senators, including the leadership of Senator GRASSLEY and Senator BAUCUS, sent our bill over to the House saying, please put our troops at the top of the list if we are going to give out $137 billion? Did the Senator know they didn't even come back in any part of the list? They are not on the list. I just wanted to ask the Senator if he remembered that that was something we sent over.

Mr. THOMAS. Absolutely. There is no question. But this is the size of the bill. There are thousands of things in there.

I am sorry. I agree with you. I was on the conference committee. We went through this process. But it is the House and the Senate both. When you go through a conference committee you come out with some things added and some things subtracted. I agree with the Senator and supported what she is talking about. But that is not the whole issue in this bill. This is a huge bill.

The other thing that seldom is mentioned is that this is revenue neutral over 10 years. There are offsets to these expenditures which I feel very strongly about because I probably feel more strongly about the deficit than the Senator from North Dakota. But this is revenue neutral. They took enough things out, and that is one of the reasons some of the things are not in there that people would like in there, because they had to limit it to the amount of offsets they could find to make it work this way.

But what happened then is they took off this 3-percent addition that went to manufacturers because the WTO opposed it and turned it around and gave that to all manufacturers, including people, for instance, who produce oil and who produce coal. It broadened the definition of manufacturers to where nearly every business in this country, then, receives it.

We are talking about jobs numbers, which have grown pretty significantly. We are talking here about strengthening business to create jobs. Somehow we seem to forget that is where jobs come from, is by encouraging and giving incentives to businesses so they will invest and provide an opportunity to create jobs. That is what it is for. I don't quite understand where the Senator thinks jobs come from unless it has to do with businesses that invest and create those jobs.

There are a great many things in there. Everyone could find something they don't like. I thought it was perhaps a little overdone, frankly, in terms of some of the things that were there. I tried very hard to get the tax element of the Energy bill into the bill. We were not able to put that all in there. We did get some energy incentives here, however, which will help some. We all had some things.

There are some things that are particularly useful, just little things that are kind of typical of the many issues that are in there.

Mr. DORGAN. Will the Senator yield for a question?

Mr. THOMAS. When you have medical providers who go to underserved areas, they are given financial incentives to go, and in the past those incentives which caused them to go there were taxable. We were able to take that taxable business out, so we will have more people willing and able to go to underserved areas—nurses, physicians, clinicians, and so forth.

I will certainly yield.

Mr. DORGAN. I think the Senator was not in the Chamber when I began my presentation. I did say I intend to vote for this. I said there is much in it that I commend and much that I support, including some of the energy provisions that I believe you just mentioned. I was speaking specifically only about the series of tax shelters representing, in my judgment, a missed opportunity.

But I think the Senator from Wyoming missed the opening comments of this Senator. He probably missed that I did say there is much here to commend, and I was speaking about what I think is a gross abuse, which we call tax shelters, which we have to close, and I think most Members think at some point we will have to close them.

Mr. THOMAS. I did not hear that. I continue to hear a lot of complaint and

criticism when talking about spending when indeed it is revenue neutral, and the Senator didn't brother to mention that. Obviously in a bill this size there are a great many things you can talk about. Obviously no one is going to agree with all of the hundreds of issues that are there.

There are some really good things, some things I thought were particularly good. For instance, ranchers who, because of the drought, had to sell their herd and cattle, they don't have to pay on capital gains now for 4 years. It gives them a chance to get back without having to pay for that.

One of the fairness issues that is there is the idea that States that do not have State income tax, which is deductible from the Federal taxes, but indeed finance through sales taxes, can now deduct the sales taxes, which makes it fair. States can choose to either have income tax, they can have sales tax, they can have both, and then they can have one of the two of them deductible. In the past, sometimes, my State did not have a State income tax, but we had a sales tax and it was not deductible. It will be now. That is a real incentive for people to be able to save some of the money they have.

We also had a provision in there that was put in that had to do with enlarging the loans that are available to small businesses from the Government. The limit was put in there in the 1970s. Of course, that has changed a great deal. Here again, the purpose is to encourage businesses to build up so they can, in fact, hire people, and we do something for jobs.

There are a number of things here that are very good.

As I said, we need incentives for the small production oil wells. If you have an oil well that does not produce a lot of oil, the fact is there is an incentive in here for marginal wells—to have a production tax credit for electricity produced by renewable sources—geothermal, solar energy, those kinds of things which we have been looking forward to in the energy package.

Obviously, I think anyone in effect can find some things in here that wouldn't be their choice. On the other hand, this is a jobs bill. It is designed to encourage the economy and create jobs. That is what it is all about.

I get a little concerned when we seem to direct more attention toward the election which is coming up. I will be happy when that is over so we can talk a little bit more about the merits of the issues. That is what we are here for. It would be a good idea if in fact that is what we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, is there a specific order under the unanimous consent agreement?

The PRESIDING OFFICER. The majority has up to 30 minutes of debate.

Ms. LANDRIEU. I ask unanimous consent to speak for the next 10 minutes, if I am not interrupting anyone's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, before the Senator from Wyoming leaves, I want to make a couple of comments regarding some of the things he said. While some Members of this Senate intend to vote for this bill, I am one who will not be voting for the bill. I would like to restate why.

There is only one reason, one specific reason, and I think one compelling reason, that injustice was done in this bill after it left the Senate, and that injustice was that the one provision which would give direct tax relief to the men and women on the front lines, the Guard and Reserve fighting in Afghanistan, in Iraq, or whether it is North Korea, or South Korea, was left out of the bill.

We have a lot of bills, and not all of them are this fat, this full, and this expensive. This is $137 billion.

In 2 years, we negotiated between the House and the Senate. I know the Senator from Wyoming is aware of this because he helped to put it in. But there was only one provision in this entire bill that would have actually directed some modest tax relief to the men and women in the Guard and Reserve. But for some reason—I am not sure if it was politics, I am not sure if it was an election, I am not sure because I have not gotten an answer yet from anyone about why it was left out. Obviously, we had $137 billion to spend, and we spent it. We allocated it, but not for the Guard and Reserve.

We send the Guard and Reserve to the front lines. According to Secretary Rumsfeld, we sent 640,000 men and women, 5,000-plus from my State of Louisiana, to the front lines. We can't even send them with a full paycheck.

Some of us thought, gee, if we have this tax bill going through, we have to fix this problem with the World Trade Organization, and surely in the middle of this war at this time we could spend $2 billion to give tax credit. If we didn't have the $2 billion, I certainly would not have suggested that we spend it. But we have $137 billion in this bill.

I am confused. My constituents are confused. The men and women in the armed services are confused and their families are wondering and are very puzzled: How could we possibly be giving away $137 billion to businesses here and abroad and leave them out?

I am going to stand here for a couple of days and talk about it. I don't have an explanation for it. I don't want to go home because I don't know what I would tell them.

When the Senator from Wyoming says it is politics involved in the opposition of this bill, I think that is a good question. I am not sure of the answer. But I would like to say it this way. Is politics in any way involved in the passage of this bill? This bill, $137 billion for every corporation, or many corporations that you could think of, big ones, little ones, ones that make ceiling fans, ones that operate horse racing—just go through it. I am not going to even comment about the benefits of that. I don't want the reporters and the people following this debate to say Senator LANDRIEU objects to anything in this bill except that the Guard and Reserve were left out. That is what I object to. I am not going to even talk about ceiling fans and horse racing, or shipbuilding, which happens in my State. There are lots of wonderful things in this bill. My only question is, How could we possibly have the nerve to pass a bill and leave the Guard and Reserve out?

According to the GAO, the men and women in the Guard and Reserve on the front lines are taking a 41-percent pay cut.

You may say to me, Senator, they knew it when they signed up. Let me answer that. They knew there would be sacrifice. These men and women don't want a lot of pity or attention. They are happy to go. They want to go. They are proud to serve. I know many of them personally. I am proud of them. But I tell you what they did not know: They didn't know that we—when I say ''we'', I mean this President, the former President, and the leadership of the Armed Services Committee—would make a policy decision that would say that our Armed Forces, instead of relying mostly on Active and a little bit on our Reserve, decided because it is less expensive we are going to rely more on our Reserve and a little less on our Active.

We didn't tell them that because they signed up 10 years ago and we have been making these decisions in the last couple of years. They sign up. They weigh the pros and cons. They want to serve their country. They are patriotic. They say, I will make the sacrifice. But then we changed the rules on them. It is not their job to fix that. It is our job to fix it.

We had a bill coming along. It started 2 years ago. I thought: this is a perfect time to fix this situation. Here is the money. It is small businesses that are writing these checks to keep their pay whole, and surely this country would find money in this bill to do this, and then whatever else they want to do is fine with me. But, oh, no.

Let me make another point about what the Senator from Wyoming said. He said something along the lines that jobs are created by tax cuts. We have to have tax cuts for businesses to grow. I think that is partially correct. I don't think just any tax cut at any time makes business grow, but I will give him that. But I will tell you what makes businesses in America grow. I will tell you what no business could operate without. I will tell you in large measure what this war is about. It is about economic freedom. It is about global trade. It is about peace in the world so people can make a profit. No business in this bill could possibly function without the men and women

in the Active or Reserve units. They wouldn't exist. Yet we have this bill to help companies and businesses, and we can't help the men and women taking the bullets.

I am not voting for a bill like that. I urge my colleagues, if they have decided how to vote, they might want to change their minds. I hope maybe people listening in their States, and maybe some of the families who have actually lost soldiers on the front lines might call their Senators, and say, Senator, if you do not mind, what Senator LANDRIEU is saying makes sense. Please don't leave me out of the bill. You put me in the war. Don't leave me out of the bill. You put me in the photograph, don't leave me out of the budget.

I will say one more thing before my 10 minutes is up.

I know something else about military families, and it is what I love about them the most. They never even want attention. I have had a little bit of a difficult time getting some of the families to call me. Do you know why? Because these men and women understand what sacrifice is all about. They didn't sign up to get rich. They didn't sign up to get an award. They don't really advertise their bravery every day, not like some people around here who cannot wait to show their awards off, et cetera. The men and women in uniform don't do that. So it is hard for them to ask.

I want them to know it is my job as their Senator to ask for them and to fight for them. I don't blame them for not wanting to have their names used. They want to feel self-reliant. But I will be darned if I will sit here and watch this $137 billion get out of this Chamber and leave them behind.

My colleagues, we are going to be here for a long weekend because I have a lot of things to say about this. My time now is up, but I am not going far. I don't live far from here. I am back and forth from Louisiana, and the house I live in when I am here is four blocks away, so I am not far away. I would stay here for many days to talk about it.

Members in this Chamber feel very strongly about their Guard and Reserve. They know the sacrifices they are making and a mistake was made. Mistakes can be corrected.

At 6 o'clock today I am delivering a letter to the White House. I will read it before 6 o'clock in the Senate. It is being delivered to the President. It is assumed in the letter that he didn't know about this personally, that it was just something that did not come to his attention. But he has the power as the President to fix it, and I hope that he will take that action.

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. ALLARD. 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. HARKIN. Reserving the right to object, I hope the Senator's time—I make it clear that under the consent that the Senator's time, however much time he uses, be counted as running with the bill.

The PRESIDING OFFICER. That is correct, it is.

Mr. ALLARD. I thank the Senator from Iowa for clarifying that.

THE ECONOMY

We are here today at the end of the session. We have some important legislation yet to act on: this legislation that deals with the economic health of this country; it is legislation that deals with the security of this country. We have been working all session on these two issues primarily, with a plethora of other issues, but we do have some very important bills. The FSC/ETI bill is important, obviously, to sustaining and continuing the economic growth. We have the intelligence bill, the conference report. That is important for the security of this country. We have the Department of Defense authorization bill, which we are still waiting to get passed out of the Senate, the conference report to that. That is also very important.

I will talk a little bit about our economy because today an economic report came out. When we look at this economic report with all that has been happening through 2004, I don't see how anyone can deny this has not been a good year for America's economy.

I think back a little bit when President Bush was elected President and what kind of economy he inherited from the Clinton administration. The economy was going down. It was not doing well. As a result of that, the President decided to address the economic growth of this country and put in place tax cuts that did make a difference. There were 3 years of tax cuts put in place that took the burden of government off of the people of this country, and they produced.

The sector of this economy that produces more jobs than any other is the small business sector. I know because I came from that sector. As a veterinarian, I had my own veterinarian practice, my small business, and I know how taxes can impact the bottom line of the business and how it can affect whether you have any capital remaining to buy new equipment. A lot of new ideas, or creation, comes out of small business, and too much regulation has an impact.

In some ways, with the security challenges this country has faced, we have had to put in rules and regulations for business to be able to sustain their growth and create jobs.

The real choice we have is to do something about the tax burden. It has been working. I will share some of those figures that came out today.

America's economy is doing much better than just good. It has been doing really good. Since August of 2003, more than 1.5 million jobs have been created; 1.3 million jobs in 2004 alone. The unemployment rate of 5.4 percent today is well above the average employment rate of the 1970s, the 1980s, and the 1990s. For the last 12 months, the American economy has grown faster than the economy of any major industrial nation.

Today's Department of Labor and Bureau of Labor Statistics report, which, by the way, measures payroll—that is an important distinction that I will talk about later—according to that report, the economy added 96,000 new payroll jobs in September, continuing an upward trend in job creation. Employment gains over the last 4 months totaled more than 405,000, and this year the economy has added an average of 170,000 jobs per month. Manufacturers have increased hiring in 6 of the last 9 months and are responsible for more than 70,000 jobs so far this year. And we still have October, November, and December to go.

Unemployment remains steady at 5.4 percent, exactly where it was when President Clinton was reelected in 1996. Unemployment peaked more than a year ago in June of 2003 at 6.3 percent, and the labor force has increased by almost 950,000. The overall number of unemployed has fallen dramatically by 1.2 million since June of 2003. The economic policy of this President, what we have been doing in Congress, has been working.

I will take a little time and talk about the other survey that we have out there, the household survey. There are some remarkable things happening in the household survey. It has increased more than 2.2 million since April of 2003. Those are fantastic figures. They reflect the self-employed. They reflect people who work on a part-time basis. They reflect people who work out of their homes for various reasons—maybe they have a high-tech business and work through eBay to market some products that they have available, or perhaps they are real estate salesmen who have been working out of their home. This gets measured in the household survey.

The household survey measures much more of our economy than just the labor payroll report. That is exciting. During those times when we had some layoffs in the high-tech industry and went through the high-tech slump, people who lost those jobs said, we are getting some bonuses because when they were asked to leave the company they frequently gave them a bonus and they took some of the money to start their own business.

The most logical place to start a small business is out of your home if you can make it work. That is where most of them started their business. You keep your overhead down. You have a phone, you can hook it to the phone line. You can work out of there. What little money you earn you can put it back in the business or put it aside and hopefully buy more equipment and maybe move into a larger

building at some point in time when that business takes off and begins to operate.

So I think it is important to point out that the payroll numbers, as strong as they are, do not reflect the growth of self-employment. According to the household survey, employment has increased by more than 2.2 million, as I said earlier, since April 2003. Again, these are fabulous figures. It reflects the ingenuity of a small businessperson who decides he wants to go out there and apply the American dream. He wants to start his own business. He wants to be self-employed. He wants to be independent. And he wants to be his own boss.

I think America is on the right track.

Now, the National Bureau of Economic Research determined that the latest recession ended in November of 2001, well after this President was sworn into office. Today's numbers are further evidence that the doom and gloom of those challenging the policies of this President is simply unfounded.

We have created and we are witnessing the impact of policies that encourage growth. What did we do? We lowered tax rates on personal income for all taxpayers. The top marginal rate was reduced from 39.6 percent to 35 percent, and a 10-percent bracket was introduced. Where did the real impact of this fall? It fell on small businesses in this country. It helped them grow and prosper. It helped them create a lot of the figures you are seeing out of the household survey—favorable figures, fabulous figures, I might add.

We lowered taxes on business investment, including a much lower tax rate, 15 percent, on dividends and on long-term capital gains. Of great importance is the tax cuts allowed businesses to more quickly deduct the expenses of their investments in machinery, computers, and software. American companies have responded by employing more people and investing more money in equipment and facilities. And in what part of the business sector will you see most of that happening? You will see it happening in the small business sector.

Now, small businesses, they can be organized in a number of different ways. They can be organized as individual entrepreneurs. They can be organized as partnerships, various legal organizations. Family businesses will even incorporate. Professionals like myself, we have professional corporations that we organize in. So when we talk about separating business out into various sectors, no matter how you do it, somehow you are going to affect the small business community, where we see most of our economic growth.

So we have to be careful about attacking corporations and attacking businesses in general because they do create the jobs in this economy. They create employment. They are what America is all about; that is, the principle of free enterprise and people holding their own property and being able to move themselves up in society.

Another thing that happened to help keep our economy moving was the increased child tax credit from $500 to $1,000 per child. We also ended the marriage penalty. Married couples no longer pay higher taxes than equivalent singles, which eliminates a perverse incentive against marriage.

We also repealed the estate tax. Probably the most unfair tax we have in this country is the estate tax because the estate tax has been taxed once already, and sometimes taxed twice, and then when you die it becomes a death tax and you have to pay again.

When a family, a small business family in many cases, is struggling to try to get that small business to sustain itself during an untimely death in the family, then along comes the estate tax and whacks that family hard. Many times these are farmers and ranchers who have been struggling to try to save their farm or ranch. In States such as Colorado, where we are getting a lot of rapid growth, there is a demand for real estate, and many times these farmers and ranchers are forced to sell to developers or somebody else who is going to use that land for something else other than the production of crops and livestock. The end result is, we lose an opportunity to have an open space available in States like Colorado where there is a desire to have a considerable amount of open space.

Home ownership is at an alltime high. I am pleased to be able to join with the President in putting forth the American Dream Downpayment Act, where we provide some well-deserved dollars to people, first-time home buyers, in this country. This is for people who have been paying rent who could be owning the same type of dwelling except that the only problem keeping them out of their own house, their own personal dwelling, is the fact that they cannot make the downpayment. So this piece of legislation was desired to help those individuals. By the way, many of them are minorities. As a result of that act, we are beginning to see a lot of growth in home ownership, and particularly among minorities it is getting much better.

There are a lot of positive effects that happen with home ownership. The children tend to be better educated. They become better citizens in their communities. They tend to be more stable. They are not moving around as much. They care; they take an active role in what is happening in their community.

Home ownership is another good story that is coming out of this administration. Sometimes I just do not think we talk enough about it, but it is important. It is important to communities, and it is important to families.

So I summarize and say the good news today is something we need to work hard to sustain. It is important we draw this session to a close. We have some important pending legislation. We need to get that passed because it will help contribute to the continued growth of this country as far as the economy is concerned. It will help to continue to make America more secure, and it will help because we need to have a strong defense for this country.

Today's numbers, again, are good news, part of a healthy, steady trend of growth and prosperity.

I yield back my time, Mr. President.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. 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 Louisiana.

TAX RELIEF

Ms. LANDRIEU. Mr. President, I thought I would take the next 15 minutes or so to review a couple points about the tax relief bill we are considering adopting. There are three or four major pieces of legislation that the Senate is trying to finish in the next couple of days. One of them is the reorganization of homeland security and the Intelligence Committee. One of them is the tax relief bill that we have been working on for 2 years. There are other issues that this Congress is struggling to get finished in the next few days, but the most important issue to me and the one I would like to spend a bit of time talking about now is the tax relief bill that was put together by many of us, or tried to be put together by many of us, over the last 2 years.

That started out for a very good purpose and a very good reason because there was a trade decision made by the WTO that called into question the legitimacy of some part of our Tax Code relative to certain businesses.

We had to take some action or our businesses would have been fined through the WTO because the European Union had prevailed in their argument. So our tax writers got busy and tried to fix that. We need to fix it. But what has happened is, we have done more than fix. We have really messed up some things. Unfortunately, inexplicably, and as a grave injustice, we didn't take care of our men and women in uniform. For the men and women who are taking care of us on the front lines and suffering pay reductions, we are letting pass the opportunity to make their paychecks whole. I am going to spend a few hours over the next couple of days talking about that. Before I do, let me share a fact that maybe some might not realize. We have always had men and women in our Guard and Reserve units supplementing our Active Forces. But never in the history of this country have we relied on the Guard and Reserve to the extent we are today.

Let me share that in the Berlin crisis of 1961, we called up 148,000 reservists;

in the Cuban missile crisis, we called up 14,000; in the Vietnam war, we called up 37,000—for a total of almost 200,000 from 1953 to 1989.

You can see from this chart that just in the last 12 years, in the Persian Gulf War, the invasion in Haiti, the Bosnia peacekeeping, Operation Southern Watch, which is ongoing, the Kosovo conflict, and Iraq and Afghanistan—and this list is not completely up to date—we have called out 364,000 guardsmen and reservists to supplement our Active Forces, to protect this country, to defend this country. These troops have been willing to go at great sacrifice, but the least we could do is keep their paychecks whole. The least we could do, if we are giving out tax credits and tax cuts to other people, is include them in the bill. This conference report that this Senate is considering over the next couple of days, $137 billion, left them completely out.

We talk about helping small business. This is a picture of one of our soldiers. We left them out but we put in ceiling fans. I know people are not going to believe this, because it is hard to believe. But the guardsmen and reservists and their employers who keep their paychecks whole while they are on the front lines so they can pay their mortgages, pay their car notes, continue to contribute to their children's college trust fund, or just keep their household together, the employers of this country, small employers and large employers, are doing the right thing, the patriotic thing, not mandated by the Government but out of their own good heart, digging deep, keeping those men and women on the front line with a full paycheck.

We had the opportunity to give them a modest tax credit so they could keep that paycheck whole and hire a temporary worker to take the spot of that guardsman or that reservist who went overseas to protect us. And we couldn't find one line, one paragraph, not one word in a $137 billion tax relief bill for every conceivable commercial, industrial, or manufacturing interest in the country, for our guardsmen and reservists.

I want to show you the state of our Active Reserve. Sometimes pictures help us to understand. I know this subject can be complicated, but it is actually very simple. We just didn't put our Guard and Reserve in the $137 billion tax bill. We put everybody else in, but we left them out. I am going to stand here until I get an answer why.

In 1940, at the height of the Second World War in the 1940s, this was the Army troop strength. This is where we had to go in the Second World War to defend. This is in the thousands, so it was 600,000 to defend our Nation. Because we, of course, won that war, won the Cold War, defeated communism, we have dropped the active strength force of our troops down to probably the lowest level since 1942. What fills this gap is our Guard and Reserve that are called up when we need them.

When September 11 hit, we needed them and we called them. And they went. And 41 percent of them are going with a pay cut. Some of us got together, Republicans and Democrats on the Senate side, Chairman GRASSLEY and our ranking member, Senator BAUCUS from Montana, and fixed that. Since we have a big, fat tax bill going through, couldn't we possibly give a little bit of money to the businesses that are keeping those paychecks whole, filling the gap, giving us extra strength, Active and Reserve, to protect us?

But for some reason, once the bill left here and got over to the House Republican leadership, it got taken out.

I know Senator BYRD is here to speak so I will wrap up my comments in just 5 minutes. I know he wants to speak, perhaps a little about this and other subjects. But I want to say a few things that the newspapers are saying about this bill.

Let me be clear. I don't oppose this bill for any other reason other than the fact that the $2.4 billion tax benefit to employers for the Guard and Reserve to help keep their paychecks whole while they are on the front line was left out. There are other provisions of this bill that are questionable. There are other important issues that have been raised by the Senator from Iowa, Mr. MCCAIN from Arizona, and the Senator from Massachusetts. Those are legitimate arguments as well.

But leaving the Reserve and the Guard out and their patriotic employers is more than I can bear to be silent about.

This is some of what some of our newspapers are saying about the general bill.

The Washington Post, October 8:

> The bill is aimed at ending a transatlantic trade war by scrapping certain illegal tax subsidies for U.S. exporters that have brought on retaliatory action by Europe. But in the version approved last night by the House, that modest goal is largely overwhelmed in a preelection package of benefits for dozens of constituencies, including NASCAR track owners and mall builders.

That is the opinion of the newspaper. Again, I don't know if the NASCAR track people are deserving or not. Many people enjoy NASCAR in my State. Maybe they are. But I can promise you that nobody in my State thinks NASCAR owners or investors or ceiling fan importers deserve a tax break more than the employers who are keeping whole the paychecks of our men and women on the front line. I can promise you that—not a one. I don't know of a business or a mall or a retail establishment that thinks they should get in line before the Guard and the Reserve.

It was a long line. This is what I call a long line. This is not a thin bill. This is not a one-page bill. This is a lot of lines and a long line. They didn't even get in the middle of the line. They didn't get in the end of the line. They didn't get in at all. It is a grave injustice.

The New York Times, the Boston Globe, the Minneapolis Star Tribune, and the Las Vegas Journal have all editorialized against this bill for different reasons. I am hoping that many of these newspapers and others that are listening will begin to focus on this issue as to a reason why we should vote against this bill, send it back to conference, redo it.

We all make mistakes. This was a big mistake the House Republican leadership made. I say basically this is a paycheck that we send to our soldiers. Their average pay is $30,000. According to our own report, these soldiers are getting a 41-percent pay cut. We could have done something to help them, but we chose not to. So I am going to vote against this bill. I know other Senators are joining me in letters being sent to the conferees, which evidently did not make an impression on them—at least not to the point where they kept our provision in. That was passed by 100 votes here, Republicans and Democrats, and it would be paid for with an offset. We didn't ask for this provision to be included without paying for it. It is even paid for. But they decided—the leadership, Chairman THOMAS and, I guess, Congressman DELAY and Speaker HASTERT—we could not afford it.

Let me again say for the record that there is $137 billion in this bill. The bill started out as being a $50 billion fix over 10 years. That was the cost of fixing the problem we originally started to correct. It grew and grew and grew. Everyone, it seems, was added in, except the men and women who are taking the bullets morning, noon, and night.

It is hard for me to go back to Louisiana and explain this. I am not sure I could explain it adequately to the 5,000 families who are currently serving on the front lines. Why should they pour a little water into the cereal bowl, as one woman wrote to me, trying to make ends meet? Why did some of them lose their houses because their notes pile up and they cannot pay the bill when they get home? What could we be thinking as to the justice of losing an automobile, losing their retirement, losing their college benefit, or having to make them stretch and sacrifice when we could help them? If we could not afford it, if we didn't have the money, that would be one thing. This is $137 billion. Why could we not have given them $1 billion, or $2 billion, or half a billion? Or even if you could not give them the money, write something in the bill, for Heaven's sake, and tell them you understand they have a 41-percent pay cut and you are sorry you cannot fix it today, but when we get another bill, we will try later.

Not even a comment.

When they go off to war, they don't make a lot of comments to us either, other than I am going to my post, I am going to do my job; I will see you when I get back. Take care of my family. That is all they say to us. We could not even get a paragraph of gratitude in this bill.

Senator BYRD is going to speak. I will speak a few more times this weekend about this. I am doing as many interviews as I can, explaining this to people and handing out material. I am still waiting for Chairman THOMAS to either write me, send me a note, write a letter, make a comment in the newspaper, or meet me for a debate about why he took them out of the bill in the middle of the night, when the cameras were not on, and there is virtually no record of the discussion. I don't know. The people in my State would like to know.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has up to an hour under the cloture rules.

ANOTHER WHITE HOUSE EXCUSE FOR WAR

Mr. BYRD. Mr. President, I thank the distinguished Senator who is presiding over the Senate with a degree of dignity, poise, collection, and composure, as it is so rare today. I thank Senator BURNS.

Mr. President, I thank the Senator who has been speaking, the Senator from Louisiana. She tells a story that many of my Guardsmen and Reservists and their families can also relate to. I compliment her on standing on the floor. She has courage and determination. When she says she is going to stay here until she gets some satisfaction from other Senators, she means that. I know that. I thank her for her kind reference to me.

I will not speak longer than 15 minutes, after which the Senator may resume if she so desires.

On Wednesday, October 6, the Senate Armed Services Committee received testimony from the top CIA weapons inspector in Iraq. The report of Charles Duelfer explains in precise detail the facts that the American people have long ago realized: that Saddam Hussein had no weapons of mass destruction, and that Iraq never posed an imminent threat to the United States. I said that at the beginning, before we voted on that nefarious resolution on October 11, 2002, to shift the power to declare war, which is set forth in the Constitution very clearly, as being reposed here in the Congress of the United States; instead, to shift that power to the hands of a President. How shameful. How shameful that we turned our backs—the Senate and House collectively—on the Constitution of the United States.

The fact that weapons of mass destruction have not been found in Iraq is nothing new. Our military has been on the hunt for banned Iraqi weapons since March 19, 2003, when President Bush ordered the invasion of Iraq under his nefarious doctrine of preemption—preemptive war—a doctrine that squarely contradicts the constitutional powers given in the Constitution as having been reposed in this body and in the other body across the way. The CIA conducted its own extensive search for more than a year. Did anything turn up? No. No stockpiles of dangerous germs, no warehouses of poison gases, no nuclear weapons.

They say, well, Saddam Hussein has used these on his own people. Of course, he had some years before. I can understand how many Senators were misled by the statements of the administration and, in particular, the statements of the President and the Vice President and others on the President's team.

In fact, the CIA report finds that the truth on the ground in Iraq was almost the exact opposite of what the White House had claimed in the runup to the war. Contrary to the President's statement, the CIA report says that Saddam had no active WMD programs, and he didn't have even so much as a plan to restart them. Despite the Vice President's insinuations, the CIA found no secret plans for Iraq to attack the United States. Despite the National Security Adviser's warnings of mushroom clouds, the CIA found that Iraq's nuclear weapons program was dormant and decaying.

Now, the White House is desperately trying to have their spin machine generate a new reason for the war. We have seen a litany of reasons as time has ensued following March 19, 2003—a litany of reasons. When one reason was shot down, when one reason proved to be wrong, the White House always came up with another reason, another reason, another reason we sent our men and women to war, the first war fought under the pernicious doctrine of preemption, the Bush doctrine of preemption. And regardless of how many times the President may seek to salve the conscience of his administration, the fact remains that Saddam Hussein was not an immediate, imminent threat to the security of the United States. I said so at that time. It was the wrong war at the wrong time in the wrong place, and I will say that again and again.

The President, on his way to a campaign stop in Wisconsin, has tried to gloss over the collapse of his central reasons for a preemptive war. According to the Associated Press, the President said:

> The Duelfer report showed that Saddam was systematically gaming the system, using the U.N. Oil for Food Program to try to influence countries and companies in an effort to undermine sanctions.

So does the President mean to say he launched this war to stop waste, fraud, and abuse in a U.N.-run humanitarian program? Does the President mean to say that Saddam Hussein's greed was the reason that 225,000 American troops were sent overseas, away from their families, their loved ones, and their communities, to attack Iraq? Are we to believe that the President now seeks, once again, to justify his war against Iraq because Saddam was cheating the Oil for Food Program? Is that the reason we sent our men and women to war? Mr. President, unbelievable, unbelievable, incredible. Too bad that the White House does not hold Halliburton to the same standard.

The truth is that the President changes his reasons for the war more often than he changes his socks. On March 19, 2003, the day he sent American troops into battle—many of them never again to return to their homes, their families, their native soil—the President said:

> The people of the United States and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder. We will meet that threat now with our Army, Air Force, Navy, Coast Guard, and Marines so that we do not have to meet it later with armies of firefighters and police and doctors on the streets of our cities.

I have heard that so many times. The President did not say a peep—not a peep—about the Oil for Food Program on the day he ordered our brave men and women to march on Baghdad. Talk about flip-flops. Yet despite all that has gone wrong in Iraq—the failure to find weapons of mass destruction, the failure to stabilize postwar Iraq, the failure to share the burdens of occupation with our allies, the failure to equip our soldiers with the body armor they need, and the deaths of 1,061 American troops as of my last reading of the press the President maintains that he would do everything the same if he had to do it over again.

Well, I hope not, and I hope the Senate of the United States would not do the same thing it did before if it had to do it over again. I spoke out against that nefarious, terrible action, sending our men and women to their deaths in Iraq, in a foreign land, spilling their blood in the hot sands of the Middle East. For what? For what?

The President maintains he would do everything the same if he had to do it over again. Maybe he would. Surely he should learn from what has already happened. The American people might not stand again for that.

Mr. President, the fog of war is beginning to lift and for the first time, the American people are beginning to see the war in Iraq on clear terms. As cruel as Saddam Hussein was to the Iraqi people, he was no imminent threat to the American people. That is why we went to war. That is why this administration led this country into a war against a nation that had not provoked us, had not attacked our country. That was the Bush doctrine, and it is the Bush war.

Saddam Hussein had no links to the 9/11 attacks, and yet a majority of the American people I noticed in some polls not too long ago, believed at the time the polls were taken that many or, indeed, most of the attackers, most of the hijackers on 9/11 were from Iraq. That is not the case. Not one, not a single one of those 19 hijackers was from Iraq, and yet this administration would like to have the American people believe that it was otherwise.

I guess they lie awake at night concocting new ways in case this fails, in case it is shown to be wrong: Where is the next fallback? What do we fall back on next? Iraq was not the central front of the war on terrorism until President Bush invaded and unleashed a firestorm of anti-American sentiment.

The President's postwar strategy has been a failure. The President's handpicked envoy to run postwar Iraq, Ambassador Bremer, said there were never enough troops to stabilize Iraq. The President himself, in a rare acknowledgment of fallibility, admitted on August 27, 2004, that he had miscalculated the danger of postwar Iraq. Yet the President still has no exit strategy for Iraq. How long will the American people have to wait to hear from this President and this administration an exit strategy? How long will we have to wait for a plan from this administration to bring our men and women home with honor?

The White House still refuses to acknowledge that Iraq has been turned into an international basket case due to an unprovoked and unjustified war. Instead, the White House has paralyzed our military, has paralyzed our diplomacy and our allies by maintaining we must continue to stay the course. Stay what course? Keep on with the same? Mr. President, 1,061 dead and counting, and we are supposed to stay the course? What our Iraq policy needs is change, not more of the same.

The original rationale for preemptive war against Iraq has collapsed. The CIA's new report on the absence of weapons of mass destruction is the final nail in the coffin of the administration's prewar claims. How long will the American people be content with a President who refuses to acknowledge the disaster caused by his doctrine of preemptive war? How many more American men and women will have to shed their blood in the hot sands of the Middle East? How long will our troops struggle against a tide, the increasing tide of violent anti-Americanism that this terrible misbegotten war has spawned? How long will the United States of America be tied down in a Middle Eastern country while other threats at home—here at home—go unaddressed? How long, Mr. President? How long?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

BUSINESS IS DOING ITS PART

Ms. LANDRIEU. I ask unanimous consent to speak for 10 minutes. I see other colleagues on the Senate floor. I will take the 10 or 12 minutes I have remaining, if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank the Senator from West Virginia for the kind words he spoke before he made the very important points he has made this evening and throughout the course of actually the last few days. The challenge we face in Iraq is the most important issue before our country. I thank him for his kind words, and I want to thank him for his continued leadership.

As we get toward these evening hours, I remind my colleagues—

Mr. BYRD. If the distinguished Senator would yield, let me thank her for her most charitable comments concerning this Senator. She graces the Senate from the great State of Louisiana. She does her work. She is deeply dedicated. She is on the Appropriations Committee, on which I have had the good fortune to serve for many years. I thank her for what she is doing for her people. I thank her for what she is saying on the Senate floor. I thank her very much. I appreciate it. I appreciate the fact that she is my colleague and shares the concerns of my people in what she is saying today.

Ms. LANDRIEU. I thank the Senator. My colleague is so right that the men and women of West Virginia have served so bravely and so willingly, as so many people from our States have served in the Active Forces and in the Reserve and the Guard and, as I said earlier in my remarks, do so without the expectation of fanfare. They do not want awards. They do not even want that special attention in their communities because they are so proud to serve and they are so willing to serve. That is what makes me want to stay on this Senate floor even more for them, knowing that about these families.

I will read a few things into the RECORD during the 10 minutes that I have to build this argument and get out these facts about this important issue. One of the three or four important pieces of legislation we are trying to make decisions about in the last 2, 3, 4 days of this Congress is whether this bill, which is called the FSC bill—it is a tax cut bill which modifies many sections of the Tax Code—should pass or if it should not. I am going to vote against it because the Guard and Reserve were left out. The people on the front lines taking the bullets, taking the cut in pay to serve us, and risking their lives were in the bill when it left the Senate, but because of the House leadership they were left out.

This bill is $137 billion, and if we could not afford $2 billion of this $137 billion for them, then I do not know what we can afford because none of us would be here without them and none of the businesses benefiting from this bill would be able to actually operate, function, have a license, or have the freedom to function or enjoy the free enterprise system that has been created over 220 years without the men and women in the armed services.

Some of us were silly enough to believe that in a bill that was $137 billion, they could get in at the top of the list, but we were mistaken because they did not even make the cut.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Officer, Dec. 2003]

EMPLOYER SUPPORT GROWS

''I know of no other time in our nation's history when so many employers have voluntarily offered this level of support and benefits,'' Secretary of Defense Donald H. Rumsfeld wrote in September to employers of Reservists and National Guard members called to active duty in the global war on terrorism.

In his open letter of thanks and praise, Mr. Rumsfeld expressed ''the deepest appreciation of this department and the United States government for your unswerving support of our nation's military.'' His letters were sent 29 September 2003 to directors of major employer associations and government agencies who are asked to then distribute them to their members.

Many employers ''did more than was required by law by voluntarily offering continued benefits, pay differentials, and additional, creative forms of family support, which made the period of separation so much easier to bear,'' Mr. Rumsfeld noted. He said that without the continued support, ''we could not maintain a strong military or sustain the current effort to overcome the international terrorist threat directed at our country, our citizens, and all who love freedom.''

In concluding, the Secretary of Defense wrote: ''You have my deepest thanks. Your direct contributions and support are another illustration of America's greatness as a nation.''

Since 11 September 2001, that employer support has been extended to more than 350,000 Reservists and Guard members who have been mobilized and demobilized. This commitment is documented in the charts on the pages that follow, summarizing corporate policy for 185 of the Fortune 500 companies when Reservist/Guard employees are called to emergency active duty. Replies represent 112 new responses (compared with 91 last year) adn 73 repeats from previous years. On the charts, as well as in this article, asterisks indicate responses from last year or two years ago. For many companies, policies represent upgrades since 9/11 and are usually for implementation during the period of the terrorist threat.

Of the 185 companies listed, 19 provide full salary; 17 provide salary plus differential; 137 provide differential; nine provide no salary or differential; and three reply either vaguely or ''do not participate in surveys.''

COMPANIES THAT LEAD

From among the 19 where full salary is provided, companies that lead the way are #26 J.P. Morgan Chase & Co., full salary from 9–11–01 through 3–31–04; $69 American Express, #179 MBNA, #187 *Schering-Plough, and #397 MGM Mirage, for the duration; and #242 *First Data and #355 W.W. Grainger, for one year.

Among the 17 with a combination of salary plus differential, companies with the most generous packages include #235 General Mills, salary for one month and differential for the duration, plus a $300 monthly Military Leave Allowance; #51 *Dow Chemical, salary for two months and differential for the duration, not to exceed five years; #199 United Services Automobile Assn., salary for one month and differential for up to two years; #215 National City Corp., salary for six months and half-salary for six months; #419 **Pacific LifeCorp., salary for six months and differential for six months; #92 Coca-Cola, salary for three months and differential for 275 days; #183 *AFLAC, salary for three months, then one month of differential for each year employed to equal annual salary; #5 General Electric, salary for one month and differential for 11 months; #74

Georgia-Pacific, salary until last day of month when employee reaches 30 days of service and differential until 12th month is reached.

In past surveys, where ''the duration'' or ''one year'' was considered the ultimate in differential payment, that standard has changed since 11 September 2001. The following first five groups have continued to raise the bar for the 137 in this category, as they join with the duration and one-year providers:

Maximum of Five Years: #15 Boeing and #77 BellSouth.

Three Years: #10 Verizon Communications, #56 Lockheed Martin, and #141 Lucent Technologies.

Two and One-half Years: #22 AT&T, #30 Sears, Roebuck, #54 Sprint (continues to be extended since 9/11), and #105 Raytheon.

Two Years: #128 Wyeth, #315 *Eastman Chemical (two years at 80 percent of difference), and #335 Avaya.

18 Months: #11 Altria Group (through 10 September 2004), #50 ConAgra Foods, #80 *Electronic Data Systems, #116 **Xerox, #177 **Southern, #814 *Dominion Resources, #200 Pepsi Bottling, #224 Entergy, #301 Rohm & Haas, and #408 Hormel Foods.

Duration: #3 **Exxon Mobil, #6 Citigroup, #8 **International Business Machines, #37 **Pfizer, #49 United Technologies, #52 Marathon Oil, #72 Tyson Foods (retroactive to 9–11–01), #79 *Bank One Corp. (salary offset by 5/7 of military pay), #85 Caterpillar, #127 Household International, #140 PG&E Corp., #156 **Union Pacific, #170 Pacificare Health Systems, #211 Public Service Enterprise Group, #246 Calpine, #270 *DTE Energy, #304 NCR, #381 **CDW Computer Centers, and #486 New York Times.

One Year: #7 Chevron Texaco, #12 ConocoPhillips, #32 *Freddie Mac, #35 Albertson's, #42 J.C. Penney, #43 United Parcel Service, #45 Walgreen, #57 *Prudential Financial, #71 **Archer Daniels Midland, #84 Massachusetts Mutual Life Ins., #99 Northrop Grumman, #100 Abbott Laboratories, #101 *Sara Lee, #110 3M, #111 *Nationwide, #119 AT&T, #139 *Goodyear Tire & Rubber, #163 *Edison International, #172 **Eli Lilly, #196 Williams, #231 CSX Corp., #249 Mead-Westvaco, #285 KeyCorp., #302 Thrivent Financial for Lutherans, #303 Unisys, #350 Mellon Financial Corp., #392 *Harley-Davidson, #393 Providian Financial, #399 *Energy East, #415 *Ball, #418 Ameren, #422 Adolph Coors, the two companies in #426 position, *Kerr-McGee and Wisconsin Energy, and #462 H&R Block.

Ms. LANDRIEU. This is from ''Citizen-Soldiers and the Fortune 500. Employer Support Grows.'' The article reads:

''I know of no other time in our nation's history when so many employers have voluntarily offered this level of support and benefits,'' Secretary of Defense Donald H. Rumsfeld wrote in September to employers of Reservists and National Guard members called to active duty in the global war on terror.

In his open letter of thanks and praise, Mr. Rumsfeld expressed the deepest appreciation of his Department and the U.S. Government for ''your unswerving support of our nation's military.'' His letters were sent on 29 September to directors of major employer associations and Government agencies that were asked to distribute them to their members so their members would know of the good works and good words of Secretary Rumsfeld.

His letter went on to say:

Many employers did more than was required by law by voluntarily offering continued benefits, pay differentials, and additional, creative forms of family support, which made the period of separation so much easier to bear, Mr. Rumsfeld noted. He said that without the continued support, we could not maintain a strong military or sustain the current effort to overcome the international terrorist threat directed at our country, our citizens, and all who love freedom.

Those are beautiful words. My colleagues would acknowledge these are beautiful words. The problem is, they are only words, because when the administration that Secretary Rumsfeld works for and the House Republican leadership that follows his lead and his direction put together a $137 billion tax package, they did not think they could find the room, the time, the energy, or the concern to really thank the employers by giving them part of this tax cut. They decided to send them the brochures and the newsletters and the go-for-it congratulations kind of letters, but the real people who they wanted to help or the people they thought deserved the most help were actually in the bill.

I think this is pretty clear evidence that the words that are sometimes written by leaders do not really convey what actually happens, that really what happens is what is in the budget. When one is in the budget, they know they matter, and if they are not, they do not. It is about as simple as that.

I am going to submit a list of the employers—the National Committee for Employers supports the Guard and Reserve, outstanding employers. I have them all through my State. I am so proud of these small businesses, I do not know what to do.

I had one of my mayors whose chief operating officer was called out of the city not once but twice, one of the most talented, remarkable public servants. The whole city sort of suffers when one of these skilled folks goes off, and I have heard his story out of Lake Charles, LA. But they kept his paycheck going voluntarily. Many employers keep the paychecks going.

I thought, silly me, we have a tax bill. Could we not acknowledge the patriotism of these thousands of employers in our country, big companies, small companies, local governments, fire departments and police departments that are digging deep? There are no line items in their corporate budgets to pay people who are not at work, but they do it anyway. We do not even mandate they do it; they are doing it voluntarily. They do not put a line item in their corporate budget: Pay people that are not on the job that are on the front line. But you know what. They do it. They do it for a good reason—because 41 percent of the Guard and Reserve are taking a pay cut to serve on the front line.

I want to submit for the record some the patriotic employers.

I ask unanimous consent to have some of their names printed at the conclusion of my remarks.

(See exhibit 1.)

Ms. LANDRIEU. Unlike some of the leaders who just write these employers letters and tell them what a good job they do, I want these employers—Conoco and Chevron and Alcoa and All About Music and Allianz Life Insurance Company and American Electric Power, American Express, the American Stock Exchange, and I could go on and on, 250 Central, 3M—there are pages of them—I want to tell them all that there are a few Senators, some Republicans and some Democrats, who are going to do more than send you a letter. We would like to send you a tax credit and we think you deserve it.

You didn't really ask for it. We understand that because you are digging deep. But we are going to give tax credits out to everybody in the world, it looks like, because we have ceiling fan importers and NASCAR race investors; we have shipbuilders—many of which are in my State and they know I support them—but we can't find a tax credit to help these companies that are sending paychecks for the front line to keep our soldiers prepared to fight and defend our country when really it is the Federal Government's responsibility.

If they said we didn't have the money, I would just sit down and say we just don't have it. We are running a deficit. We can't afford it. But for me to sit here and watch $137 billion fly through this Chamber and land in the hands of whomever, but not these companies, not our troops, not the people who are having a hard time paying their house note and keeping their household together, it makes me literally want to just get on my knees. I can hardly stand here. I really feel like just falling out.

I want to read a couple more things into the RECORD. I only have a few minutes. This is from Kristin who called in today from Portland. Her husband is in the Army Reserve and has been in Iraq for about a month. She is anticipating a 50-percent cut in pay. Her husband was a private consultant project manager.

We knew when he was activated that he was going to have to be away, but to think that some in Congress aren't even willing to do something to help employers continue to pay him is hard to believe.

Gwen from Minnesota, her husband spent a year deployed in Iraq as a reservist. He is a schoolteacher. He took a significant pay cut during deployment.

Because I talked to Gwen, let me add a few things to this. Her husband has a doctorate degree. He is teaching school, in either high school or elementary school. He is a real double patriotic American because, even though he has a doctorate degree and could teach at a college or get some high-paying job, he feels compelled to give his life to help children.

In his spare time he goes to the front line. So what does our Government do for Gwen and her husband? Send them letters in the newsletter to tell them

how proud we are. Then, when they are not looking, in the dead of night, we pass a $137 billion tax cut and leave them out? I don't think so.

Sue, from New Orleans, her husband has been activated for a year and a half but has not been deployed. Even so, her family is experiencing a 60-percent pay cut during his deployment.

Trish from Pennsylvania, her family is experiencing a one-third pay cut. He is on his second deployment. They may have to declare bankruptcy. Her husband is in the Air Force Reserve. He was deployed to Afghanistan last year and is headed to Iraq in the fall.

We in Congress think we do a great job for these families by providing them financial counseling. Let me say one thing. Most of the people I know in the Army and Reserve do a very good job managing their money. They are happy for the help we could give them and they are happy for the counseling that they could sign up for, but I can tell you what they really want. They just want a paycheck and they want a solid paycheck. They don't want something to make them rich, not something to allow them to live in a mansion or drive around in a Lexus, but they would like a real paycheck. We could have helped them but we decided this Congress had other priorities.

The last thing I want to submit for the RECORD is a letter to the President of the United States that I am sending right now. I am going to read it and then I am going to yield the floor to the Senator from Kansas.

May I have order, please?

The PRESIDING OFFICER. The Senate will come to order.

Ms. LANDRIEU. The letter says:

DEAR MR. PRESIDENT: I am writing to bring a grave injustice to your personal attention. During Senate consideration of the FSC–ETI legislation, the members of the Senate added a modest provision to assist our troops. GAO studies have concluded that 41% of our Guardsmen and Reservists called to serve their country on the front line must take a pay cut to do so. Fortunately, some companies around the country have stepped up to the plate, and taken the patriotic step to make up the pay gap of these brave men and women.

The provision that we added in the Senate would have provided a tax credit of 50% of these costs to companies who make up that difference. In so doing, we hoped both to acknowledge the patriotism of existing companies, and at the same time encourage more employers to take this step.

Mr. President, no doubt that as you have traveled the country, you have confronted the same stories I have from spouses and military families struggling to make ends meet. We have had to ask an awful lot of our Guard and Reserves, and they ask very little from us. So trying to take this worry off the minds of our men and women on the front lines seemed to be the least we can do.

So it is with deep embarrassment for our government that I must report that this very modest relief for our troops was stripped from the conference report by Congressman Thomas and the leadership of the United States House. While I am certain that representatives of your administration participated in this conference, I presume that you did not have personal knowledge of the decision to cut support for our military families.

Regrettably, this decision has placed all of us in a difficult position. While I endorse many aspects of the FSC–ETI bill, but I simply cannot support a measure that places so many lesser priorities ahead of our military families.

Mr. President, I respectfully request that your exert your great influence to correct this injustice. Your willingness to veto this bill, or your insistence that a free standing bill be adopted, could redress this failure. Mr. President our troops need your leadership on this matter. Let us not disappoint them.

I might add, our troops need our leadership. I am sending this letter. I am sending a similar letter to Congressman THOMAS. I hope in the next 3 days that we are debating we may get an answer that tells us either why they were left out or what we could do to help them, because $137 billion is a lot of money and they deserve to be in the bill.

I have ended my speech. I see the Senator from Kansas on the floor and I yield the floor.

EXHIBIT 1

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

OUTSTANDING EMPLOYERS

250 Central, 3M, 99th RRC, AMSA 113 (G), A.G. Edwards & Sons, Inc., A.K. Steel/A.E.I.F., Abbott Laboratories, AC Nielsen, Accenture, Accolades Awards and Trophy, Adelphia Cable, ADT Security Services, Aerojet Ordnance Tennessee, Aetna, Affiliated Computer Services, Inc/Riverside, AFLAC, Ahold Information Services, Air Products and Chemicals, Alabama Rural Water Association, Alchua County Sheriff Qffice.

Alameda County Sheriffs Office, Alamo Area Council of Government, Albany, N.Y., Albertsons, Inc., ALCOA, Alion Science & Technology, Alkermes Inc., All About Music, Allianz Life Insurance Company, Allstate Insurance Company, Alpha Industries, Altair Engineering, Inc., Alticor, Inc., Amazon.com, Amber Mechanical Contractors, Inc., AMERESCO, American Electric Power Company, American Express, American Express Financial Advisors, American General Financial Group.

American Heart Association, American Ink Jet Corp., American International Group, American Medical Response, American Postal Workers Union, American Recycling Systems, Inc., American Standard, American Stock Exchange, AmeriGas, Anderson County, Blue Mountain Energy, Blue Cross Blue Shield of South Carolina, Bluefield Police Department, Bluefire Partners, Blum, Shapiro & Company, P.C., BMC Software, BMW Manufacturing Corp., Boeing Aerospace, Boeing Electron Dynamic Devices, Inc., Boeing Satellite Systems.

Boise Cascade, Boise Police Department, Booz-Allen & Hamilton, Bose Corporation, Bradley-Morris, Inc., BRAVO! Development Inc., Brighton School District 27J, Bristol-Myers Squibb, Britton Engineering & Land Surveying, Inc., Brooks Automation Inc., Broward County Sheriffs Office, Broward County, Florida, School Board, Brown & Williamson Tobacco Company, Bureau of Alcohol, Tobacco and Firearms, Burlington Northern Santa Fe Railroad, Burnet County Sheriff's Office, CACI, Inc.—Federal, Caddo Parish Schools, La., Calamos Asset Management, Inc., Canadian National Railroad.

Canon Business Solution, Cantey & Hanger, Cape May County Municipal Utilities Authority, Capitol One Financial, Capsugel/Pfizer, CAREFLITE, CASAS International, Caterpiller, Inc., Catholic Finance Corporation, CDW Computer Centers, Cendant owns [Avis & Budget rent a car agencies], Cendant Mobility, Cendant Mortgage, Cendent Corporation, Center of Applied Technology North, Centex Rooney Construction, Central Arkansas Veterans Healthcare System, Central Connecticut State College, Cerner Corporation, Cerritos College.

Charles Schwab, Charter Consulting, Inc., Chautauqua and Erie Telephone, Cheaptickets, Chesapeake Biological Laboratories, Chesterfield County, Computer Sciences Corporation, Comsewogue School District Board of Education, Con-Way Central Express, Con-Way Western Express, ConAgra, Concurrent Technologies Corporation (CTC), Conectiv Power Delivery, Congentrix Energy, Congress Title, Connecticut Light & Power Company, Conoco, Conoco-Phillips, Consolidated Edison of New York, Cook County, III.

Cooley Manion Jones LLP, Coors Brewing Company, Copperfield LLC., Cornerstone Retirment Community, Corriher—Lipe Middle School, Country Insurance & Financial Services, County of Santa Clara, Environmental Resource Agency, Parks & Recreation, Covance, Inc., Coweta County Sheriffs Department, Cox Communications, Cranston Print Works Company, Crowley Middle School, CSX Corp., Cummins, Inc., Curtiss-Wright Corp., CVM, Inc., D. H. Griffin Company, D. Miller & Associates, PA, Daimler Chrysler, Daphne, AL P.D. (and City of Daphne).

Dassault Falcon Jet—Wilmington Corp., Data Base Accounting Solutions, Inc., Data Search Systems Incorporated, Davidson County, Tenn., Davie Police Department, DeKalb County School System, Delaware, Dell Computers, Delphi, Delta Faucet Company, Department of Environmental Protection, Department of Labor/Wage & Hour Division, Department of Military of Affairs, Designer Checks, Deutsche Bank, DeVry Inc., Digital Partners Inc., DirectEmployers Association Inc., Discover Card Services, Discover Financial Services, Discover Financial Services, District of Columbia (Washington, DC).

FISI Madison Financial, Fleet Bank of Hartford, FIeetBoston Financial, Fleming Companies, Inc., Flik International, Florida Blood Services, Florida Power & Light Company, Florida State Gov., FMC Technologies, Food Lion, Ford Motor Company, Forensic Technology Inc., Forest Grove School District, Forrest Exterminating Service Inc., Fort Wayne Metals, FOX Broadcasting Company/News Corp., Fox Valley Tool & Die, Frankfort Fire Department, Franklin County Sheriff's Office, Columbus, Ohio, Freddie Mac.

Freightliner Trucks, Frito Lay Corporation, Frontier Telephone of Rochester Inc., Fujitsu Network Communications, Full Association Business Service, Inc., Galileo International, Gardonville Cooperative Telephone Association, GEICO Direct, Gen-Probe Incorporated, General Dynamics, General Dynamics Land Systems, General Electric, General Motors, George's Restaurant, Georgia Power Co., Georgia Power Company, Georgia-Pacific Corporation, Giant Food Inc., Gilbane Building Company, Giles County Sheriffs Department.

Glastonbury, Conn., Glaus, Pyle, Schomer, Burns & DeHaven, Inc., Glendale, Calif., Globe Motors, Inc., Goldman Sachs, Goodrich Corporation, Goodrich Corporation-Landing Gear Division, Goodwill Industries—South Eastern Wisconsin, Goodyear Tire & Rubber, Graco Minnesota Inc., Grainger, Grand Traverse County, Grapevine, Texas, GrayRobinson, Great Salt Lake Council Boy Scouts of America, Greater Baltimore Medical Center.

Jackson Township, Jacksonville Sheriffs Office, James City County, Jamestown Public Schools, JCPenney Home Office, JE Dunn Construction Company, Jedi Computing, Jefferson Parish Sheriffs Office, JM Thomas Forest Products, John Peter Smith Hospital, Johnson & Johnson, Jones & Carter, Inc., Jones Day, JP Morgan Chase, JP Morgan Chase Custody Services, Inc., JSA Inc., Kaman Aerospace Inc., Kaufman & Canoles, P.C., Kell Container Corporation, Keller Police Department.

Kennesaw State University, Kenton County Airport Board, Kerr-McGee, Kessler sign company, Kettering City Schools, Kettering, Ohio, Key Corporation, KeyCorp, KIC Chemicals, Inc., Kocourek Chevrolet, KORYAK Consulting, KPMG LLP, KRA Corporation, Kraft Foods-Maxwell House, Kronos, Inc., Kwik Trip Inc., L G & E Energy (KY), L–3 Communications, Labor Ready, Inc., Lake County Captains Professional Baseball.

Lake County Metropolitan Enforcement Group, Landstar System, Inc., Lang Wyatt Construction, Las Vegas City, NV., Lauerman's #2 Saloon, Lawfirm of Sacks & Sacks, LD Clark Excavating, Lebanon Township Committee, Leviton Manufacturing Co. Inc. (NY), Liberty Mutual, Liberty Technology-Magnet High School, Liorente Investigations, Lisle-Woodridge Fire District, Live Oak Police Department, Lockheed Martin, Lockheed Martin Aeronautics Company.

Miami—Dade County, Fla., Michelin North America, Micro Vane (MI), Microsoft Corporation, Mid-States Ford Inc, Mideast Aluminum Division of Indalex, Midlands Orthopaedics, P.A., Military Resale Group, Inc., Miller Brewing Company (WI), Mind & Media, Inc., Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC, Mirant, Mission Critical Linux, Mississippi Board of Nursing, MK Diamond Products, Inc., Modesto City Schools, Monster Worldwide/Monster Government Solutions, Montefiore CMO, Montello School Department, Monterey Bay Aquarium.

Morgan Stanley, Morgantown (WV) Utility Board, Morrison & Foerster LLP (CA), Morton Plant Mease Primary Care, Inc., Motorola, Inc., Munhall Area Prehospital Services, Munters Corporation, Mutual of Omaha, NASDAQ, Nashville, Tenn., Nassau County Police Department, Nassau County, NY, National Association of Securities Dealers, National City Bank, National City Corp, Cleveland, OH, National Information Consortium USA, National Park Service, NationsRent, Nationwide, Natural Resources Conservation Service.

Navy Engineering Logistics Office, Navy Federal Credit Union, Navy Public Works Center, Nebraska Public Power, Neill Corporation, Nestle Frozen Food Division, NetJets, Inc., Nevada Highway Patrol, New Britain, Conn., New York City Housing Authority, New York City Police Department, New York Life Insurance, New York Stock Exchange, Nicor Gas, NiSource Corporation, Nissan North America, Inc.

Phillip Morris, Phoenix Metals Company, Phoenix Police Department, Piedmont Natural Gas, Pilkington North America, Pinellas County Government, Pittston, Plateau Valley School District #50, PNC Bank, Police and Fire Financial Services, Portion Pac, Post, Buckley, Schuh & Jernigan, Inc., Post-Newsweek Stations, Inc. / The Washington Post Company, PPG (Pittsburgh Plate Glass), Pratt & Whitney, Praxair, Inc., Precision Castings of Tennessee, Inc., Premier Yachts, PricewaterhouseCoopers, LLP, Prince Frederick Motors.

Prince George's Fire and EMS Department, Prince William County, Va., Principal Financial Group, PrivatAir Group, Produer's Cooperative Association, Progress Rail Services, Progressive Escrow and Closing, Provident Bank, Providian Financial, Prudential Financial, PS Doors, Public Service Company of New Hampshire, Public Services Group, Publishers Printing Co., Quaker Oats, Qualex, Inc., Quiet Light Securities, Quincy District Court, Qwest Communications, Rainey, Ross, Rice & Binns.

Raytheon, Raytheon Systems Engineering Project AUTEC, RCI (resource communication), Regal Ware, Inc., REMEC Broadband Wireless, Rentacom, Republic Airways, Reynolds & Reynolds, Reynoldsburg Police Department, RHDonnelley, Rhodia, Inc., Rich Township, Richard B. Russell Lake and Dam, US Army Corps of Engineers, Richard Childress Racing, Richmonf Financial Group, Riverside County Sheriffs Department.

Skowhegan Savings Bank, Slidell Memorial Hospital, Smurfit Stone Container Corporation, Sodexho, Solar Turbines Inc., South Brunswick Township Police Department, Southampton Sheriffs Dept., Southeast Missouri State University, Southern California Edison, Southern Connecticut State College, Southern Fabricators, Inc., Southern New England Telecommunication Corp., SouthTrust Bank, Southwest Airlines, Southwestern Bell Telephone, Space Gateway Support, Spartanburg Forest Products, Speedway Motorsports, Sprint, St. Charles County Ambulance District.

St. Joseph's Medical Center, St. Onge Company, St. Vincent Healthcare, Stabilus, Stanley County Sheriff's Office, Staples, Inc., Starcom Worldwide, State Attorney, 8th Judicial Circuit, Florida, State Farm Insurance, State of California, State of Maryland (Patuxent Institution), State of New Jersey, State of New Jersey OIT, Stockton Banking Center, Student Health Services, UNCG, Subaru of Indiana, Subaru of Indiana Automotive, Inc., Supervalu, Supreme Court of Guam, Survival Incorporated.

Sweetwater Police Department, Sybase, Inc., SYColeman, Synovus, Systems Research and Development, t.w.phillips Gas and Oil, Tampa Preparatory School, TAP Pharmaceuticals, Inc., Target, Target Distribution Center, Tarver Abstract Company, TASC, Inc., Technology Concepts & Design, Teledyne Brown Engineering, Tellabs Operations Inc., Tennessee Valley Authority.

UBS Wealth Management, Ulbrich Stainless Steel and Special Metals, Inc., Unilever Bestfoods, Union County, North Carolina, Union Hospital of Cecil County, Union Pacific, Union Pacific Railroad, Unique Security—Silver Star Security—Champion Security, Unisys Blue Bell, United Cerebral Palsy, United Parcel Service (UPS), United Space Alliance, LLC, United States Department of Agriculture, United States Mint, United States Postal Inspection Service, United States Postal Service, United States Probation Office, Universal Forest Products, University Hospitals of Cleveland, University of Pittsburgh Medical Center.

University of South Florida Foundation, UniversityCare, University of Maryland Medicine, UPS Revenue Recovery Englewood Hub, US Conec LTD, USAA, USDA Forest Service, Curlew Job Corps, USI Inc, USPS Columbus Ohio, VA Medical Center San Francisco, VAHR–EO, Vanasse Hangen Brustlin, Inc., Vanderbilt Medical Center, Ventera Corporation, Veridian, VERITAS, Verizon, Verizon Washington D.C., Inc., Veronica Connor Middle School, Victoria's Secret, Village of Wellington.

VISA, Visteon Corporation, Volvo Penta of the Americas, W. W. Grainger, Wachovia Bank, Wal-Mart Stores Inc., Wal-Mart Stores, Inc—Private Fleet, Walgreen, Wallkill, NY, Washington, Washington Mutual Bank, Washington State Prison, Waste By Rail, Inc., Waste Management Inc., Wausau Imports, Inc., We Energies.

Webster Cantrell Hall, Weis Markets, Wellmark Blue Cross Blue Shield of Iowa, Wells Fargo, Wesley United Methodist Church, West Virginia, WestAM, Westar Energy Inc., Westchester County, NY, Western Financial, Western Massachusetts Electric Company, Western Oklahoma State College, Westinghouse Electric Company, Westinghouse Savannah River Company.

Westport Fire Dept., Westvaco, Weyerhaeuser, Wilkes-Barre City Police Department, Wisconsin State AFL-CIO LETC, Wizcom, World Financial Group, Wright Express, WWBT NBC 12, Wyeth, Xenobiotic Detection Systems, Inc., Xerox, Yankee Gas Services Company, Yearout Mechanical and Engineering, Inc., Yosemite Waters.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business and the time I use to be considered against the pending cloture motion.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Will the Senator just amend his unanimous consent request to state that at the end his statement, whenever that might be, the Senate would be put back into a quorum call?

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

FSC/ETI

Mr. BROWNBACK. Mr. President, I wish to address a couple of topics that have come up this afternoon, and then address a couple that are pending in front of us.

No. 1, on the FSC/ETI bill, there are a lot of things in the bill that I think are very positive. There are some things I disagree with in the bill. One thing I am going to draw to the attention of some of my colleagues in this bill that is very helpful in my State is a particular provision extending the bonus depreciation allowance for civil aviation aircraft. That is something about which I know the Presiding Officer is interested. These are small manufacturers of airplanes. These are not the big airliners but general aviation manufacturers that have extended bonus depreciation.

You may ask, what am I interested in that for? That bonus depreciation has brought back an industry that was on its knees, that was crushed after 9/11. They were selling no aircraft. By having the bonus depreciation in there, they started selling aircraft. In fact, they quadrupled their sales of aircraft, particularly Cessna, Bombardier, Learjet. This hits Raytheon, the whole industry, much of which is concentrated in my State but has fingers around much of the country. It is a fabulous industry, great productivity of workers. There are really good people associated with it. It was on its knees after 9/11. The bonus depreciation was put in the first tax cut bill that really revived it and brought it back. They started hiring people again instead of

laying off workers, but then they were hitting up against the time deadline of that bonus depreciation, so their sales orders starting going back down again.

With it in this bill and by passing this bill, we are going to be able to bring sales back to that industry. You can say that is a pretty narrow provision, that it doesn't cost anything, that it actually scored at zero, but the point being the reason this FSC/ETI bill is called a jobs bill is because it creates jobs. Here is a bill that creates a number of jobs. By doing this, there are going to be people working in Wichita, throughout my State, throughout the region, building general aviation aircraft products. The chairman has done a good job in working on this particular provision.

Most of this bill contains provisions that create jobs so people can work. They can continue their work. They are not laid off from their work. There are provisions in it which I don't agree with. There are things which I wish we could have had more of in it.

The Senator from Louisiana made a speech saying there was something that should have been in it. It would have been nice to be in it, but it didn't make it in. The bill has provisions in it that will create jobs and continue jobs, such as this bonus depreciation extension on general aviation manufactured products. This is a good thing that needs to happen. It is the right thing to do. It is the sort of thing we need for this country, particularly in these areas of manufacturing jobs which have so much difficulty and so much competition overseas for these jobs. Here is an area where we can do it. We need a little bit of benefit. It is in the bill.

I applaud the Chairman, Senator GRASSLEY, particularly for putting that provision in the bill.

There is a second thing which hasn't had the notice and which happened this week. It is not in the bill, but it is another job creator. This week, the U.S. Trade Representative in the Office of the President announced that they will be withdrawing from the 1992 civil aviation agreement with the European Union. The issue here is that Airbus has stolen by Government subsidies a huge market share from Boeing and other manufacturers, primarily from Boeing and large-scale aircraft.

Since 1992 when the agreement was entered into, Airbus has gotten somewhere between 8 to 15 percent of the market share. With Government subsidies, Airbus now has a majority of the market share in the large airline manufacturing business. It has gotten that through Government subsidies in Europe.

What type of Government subsidies? It is a subsidy where the European Governments say to Airbus, you want to make this new airliner, you want to be able to sell it to United Airlines, you want to sell it to Lufthansa and other airlines around the world; we will provide you with the money. We will loan the money to create this new aircraft to sell to these major airlines. And if you sell the product and if it works, you will have to repay the loan. But if it doesn't work, if people do not buy the aircraft, you don't have to pay back the loan.

There are a number of countries in the world that would love this deal. As such, you never have to bet the company on a new product. You can go out and say we think there is a market for a 600-seat airliner. If it makes it, great; you have to repay the loan. If it doesn't, the Government is going to pick up the tab.

That is what is taking place, billions of dollars of direct subsidies on putting these aircraft into the manufacturing system that have subsidized the takeover of Airbus over Boeing and the majority of aircraft manufacturing in the world today. If it were a fair competition between Airbus and Boeing, that would be another matter. But these sorts of subsidies are wrong. It is wrong for us to allow Europe to continue to do that.

I am delighted that the Office of the U.S. Trade Representative is withdrawing from this 1992 protocol, saying to the Europeans we are going to start consultation and take this to the World Trade Organization to have you stop the subsidization of aircraft manufacturing and stealing jobs from America.

What does that have to do with this bill? Again, it is about jobs and fighting for jobs. Boeing itself has lost nearly 60,000 jobs since 9/11. We have been losing market share. We have had difficulty in the economy. Here is something to say we have to start fighting back aggressively, pull out of this agreement, start the consultation, bring the World Trade Organization into it, and if we have to subsidize to be able to get back into market share to compete on a dollar-for-dollar basis for Europe, I think we have to look at that as well.

Here is the administration through the USTR fighting for manufacturing jobs that have been lost because of a bad agreement in 1992 on airliners being subsidized and made by Airbus. I am delighted the administration is doing this. I wholeheartedly support it. I have a resolution which I put in here asking my colleagues to support, saying this is the right way for us to reclaim manufacturing jobs that are being stolen by Europe providing these subsidies to Airbus.

Another issue which is coming up in some of the debate on the floor is the discussion about the war in Iraq. For all of us, this is a very sensitive issue. We have lost American lives. We have lost a number of American lives. We have lost a number of Kansans in this war in Iraq. They are fighting for freedom. They are fighting to spread democracy in a part of the world that has not known it. They are fighting against terrorists. They are fighting against a government that has harbored terrorists. They are fighting against a government that was identified by us for a number of years as being a state sponsor of terrorism—one of only seven countries in the world. Abu Nidal operated out of Iraq. There has been and continues to be, and was continued under Saddam Hussein, a connection between terrorism and his regime.

It becomes quite fashionable, it seems to me, to criticize this war in Iraq. Certainly there are things there to criticize. But I want to caution my colleagues. When I visit with soldiers coming back from Fort Riley, or leaving from Fort Riley to go over, officers who have been over and back, and Fort Leavenworth, or I see them here, they want to know that America continues to support them. It gets to be a real dissidence for a lot of people. OK, I support the troops but I don't support this effort in conflict.

I think a number of people look at this, saying what you mean is you don't support this conflict and does that mean we are going to be pulling out and are we not going to complete the job? Are we not going to make the turn to democracy in Iraq? This is a very difficult attempt we are making. Once it is done, it will spread throughout the region. But getting there is going to be very difficult.

I want to caution my colleagues, when you are being critical of this war—and everybody has their right to put their opinion forward—how that is heard by our troops. I say that from the practical experience in talking with a number of troops who have come back to my State. They want to know and want to make sure that the country still supports them. People will have different opinions on the war, but they want to know they are supported. Once we are in, they want people to stand behind them and with them.

I hope we let our troops know that, yes, we have not found weapons of mass destruction. It doesn't mean their efforts have been in vain, or what they have done has been wrong.

We have spread a message of democracy and hope. We have pushed Libya to the point now where they have given up WMDs, and are opening up their society. We have pushed them to the point they opened up the Dr. Kahn nuclear network. That has made the world safer on nuclear weapons. We are not completely safe, but it has made us safer in the process. Their effort has not been in vain. They are opening their society, bringing schools and opportunity to people who have not known it.

We have gotten rid of a mass murderer in Saddam Hussein. There are thousands of people buried in mass graves. That is not a vain effort. Yes, they are having difficulty. We are losing blood on a regular basis, but we have to continue and we need to speak strongly that we support the war and we support the troops.

In our efforts to have vigorous political debate here, I don't want to take the wind out of the sails of our troops who fight so hard and who put their lives and their families on the line for our safety.

Finally, I want to address an issue that we thought we were going to be able to get with the Department of Defense authorization bill; that is, raising of the fines for indecent material in public over-the-air broadcasts over the radio and television. We have had broad bipartisan support for this effort. There is the Janet Jackson bill, for lack of better terminology, at the Super Bowl last year in the event with her and Justin Timberlake. It spawned a lot of complaints going to the FCC about indecent material on public over-the-air broadcasts. I remind those watching, the issue is that the airwaves used by radio and television broadcast are public airwaves. They are licensed from the public to radio stations and must be used for the common good.

There is a level of material that has been deemed as indecent if you have this license. It is not so much about the first amendment, although the first amendment is protected. It is about abiding by your license agreement to use public property. It is like going to a national park. A national park is owned by the public. Visitors have to abide by the rules in the national park when they go in. They cannot start a fire just anywhere in that national park. Everyone has to abide by the rules.

If you are going to go into this, the property is owned by the public, and there are rules to follow. If you are going to use a license, the property is owned by the public, the airwaves, and you have to abide by the requirements. One of those requirements is you cannot put on indecent material. That has been defined.

We have had several broadcast violations. As a matter of fact, the company that broadcast the Super Bowl was fined heavily for that Janet Jackson and Justin Timberlake episode. But their fine amounted to one-fourth of the value of a 30-second ad on the Super Bowl. So the total fine CBS received was the equivalent of a quarter of the price paid for a 30-second ad at the Super Bowl. It was not even commensurate. It is the cost-of-doing-business type of fine.

Within the bill that passed, the amendment that passed 99 to 1, was to increase these fines. We increased fines substantially so there would be a penalty to the companies broadcasting the indecent material. The FCC would be given the authority to fine up to $500,000 per violation with a $3 million cap per 24-hour period per station group. However, the FCC has to consider a number of factors in deciding whether to put that level of fine forward. Broadcasters do not make $2 million per 30-second ad on every show, and many broadcasters in small markets, particularly in my State or in other States, do not make near that kind of money. So we give the FCC a top figure they can use in big instances, but we give them a series of factors to consider such as ability of the company to pay in assessing the fine.

We also have included fines for performers. If it is the performers who choose to do this and the companies broadcasting did not have clearance ahead of time, then the performers themselves need to be held responsible. That was included.

We also required an annual report that the FCC would have to give to the Congress on what they are doing on indecency complaints and violations. This had broad bipartisan support. It was pulled out of the Department of Defense authorization bill because there were other issues associated with it, such as media ownership and a provision for family-hour viewing of violent television programming that had some controversy so it did not make it through.

We brought this issue back and we have put it today in a House bill that is at the desk numbered 3717, the Broadcast Decency Enforcement Act of 2004, which we are attempting to move through the Senate in the final hours of this session so we can get what has been agreed to, what has been passed by this Senate 99 to 1, what has passed through the House by an overwhelming majority as well, and have it as a stand-alone bill. It is being held by some Members on the other side of the aisle.

I am pleased my colleague, Senator DORGAN, in particular, is a cosponsor on this individual bill. We are trying to have it cleared. It has cleared the Republican side and has not cleared the Democratic side. It has bipartisan support. I am hopeful we can get any holds lifted from this particular bill. It is an important provision.

The public is fed up with the amount of the indecent material on television, particularly during prime time when families are watching. They want the FCC to have tools that are real, that can be used against the broadcast companies willing to put forward this sort of material that families do not want in their living room.

I applaud the FCC for fining CBS for the Super Bowl incident. But, my goodness, that fine wasn't much because that was the maximum amount they can be fined under the old fine structure. We need to get this new fine structure in place.

We have this House-passed bill. It is at the desk. It is amended with a House-Senate agreement that was part of the Department of Defense authorization bill. We are hopeful to get through that, and we are working to get this through the Senate. The House stands ready to pass that if we can get it cleared through the Senate.

The broadcast decency bill, the bill that is at our desk, sends the message that indecent and obscene material will not be tolerated on the public airwaves during the hours in which children might be in the audience. Along with licensed use of the public airwaves for a period of time comes a set of responsibilities that need to be taken seriously.

I am hopeful, as we are here for a couple of days on these votes, that we can get this matter cleared to send it to the House, we can get it passed to the President and take care of something that has broad bipartisan support. I urge my colleagues if they are holding this bill to consider this is something that they have probably already supported. It would be important as a step forward in trying to present airwaves to the public the way the public wants them to be presented, as the public does own these airwaves.

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. HARKIN. 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. HARKIN. Parliamentary inquiry, Mr. President. Under the procedure we are under now, the Senator from Iowa has how much time to speak?

The PRESIDING OFFICER. The Senator from Iowa is advised he has up to 58 minutes.

Mr. HARKIN. Under the bill?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Then, I ask, as others have before me, unanimous consent to speak as in morning business but that the time keep running on the bill.

The PRESIDING OFFICER. The time would continue to run on the clock?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Iowa.

OVERTIME PAY

Mr. HARKIN. Mr. President, tonight, in just a couple hours, there will be another Presidential debate between our colleague, Senator JOHN KERRY, and President George Bush. The debate tonight will be with questions from audience members. I assume these are rank-and-file citizens of Missouri or maybe Illinois and Iowa. I do not know where they are coming from. It will be interesting to see. The moderator is going to pick and choose the questions that are asked of both President Bush and Senator KERRY. I understand they will cover a broad range of topics, but the basic topic tonight will be on domestic issues.

Well, I hope there will be a number of questions asked of President Bush for him to explain why it is that he is so intent on taking away the overtime pay rights of over 6 million American workers.

A year and a half ago, his Department of Labor issued proposed regulations to drastically—drastically—change who is eligible for overtime pay in America. After analysis by independent groups, I decided we had to do everything we could to stop these rules from going into effect and hurting the workers of America.

So we have had debate on this issue over the last year and a half. The Congress has voted six times—four times in the Senate, twice in the House—each time voting to overturn and to stop these onerous new regulations from going into effect. Six times, the President has not listened to the elected representatives of the American people. Six times he basically said: I don't care what you want; this is what we are going to do.

Now, keep in mind, when these proposed regulations came out in February of 2003, they were sort of put out in the middle of the night, so to speak a stealth attack. Not one public hearing was held on these proposed rules—not one. Congress was not involved in shaping or fashioning them. This simply came out of the heads—I wouldn't say the hearts because these are heartless kinds of regulations—but it came out of the heads of some people in the Department of Labor, I guess, and maybe in the White House.

We have said time and time again they should not go into effect, but on August 23 of this year those rules went into effect. The new rules took effect on that date because House Republicans have been able to strip my amendment and its House companions in conferences. It goes to conference, they strip it out.

Now, I want to be clear. And I want to clear up one misstatement that comes out of the administration's press releases all the time; and that is that somehow I am denying workers the right to get overtime pay because the base pay on which people are exempt from overtime—I should say not exempt from any overtime regulations—starts at about $8,000 and goes up to $23,000 under these new rules. Every time I have offered my amendment, we keep that in there. The base ought to go up. But we say that no person who was eligible for overtime prior to August 23 ought to lose overtime afterwards. They ought to still be eligible for it. That is what the White House has said time and time again. They say: Well, if people got overtime before, they are going to get it afterwards. I say: OK, why not pass my bill? That is all I say. Anybody who got it before ought to get it afterwards. But the White House has resisted that.

As a result, employers will no longer have to pay more money for overtime work for millions of American workers. And most of these workers will be women, make no mistake about it. This is going hit women hardest. Why do I say that? Because women are in that class of employees out there who many times are salaried. They work at what might be termed white-collar-type jobs. They work with perhaps information systems. They are inputting data in computers, many times working for small businesses.

A lot of times they are working in jobs that are maybe their second job, for example, or they have entered the workforce later in life after their children have grown, and they are working at a job that does not pay a lot, but they are salaried.

Well, right now, they might be eligible if they worked over 40 hours a week to get time and a half. But under these new rules, they will be reclassified. They will then be asked to work over 40 hours a week and will not get one dime of overtime pay.

As one woman wrote me, who lives in Seattle, WA, she said: When I get home from work, my second job starts. I have to take care of my kids. I get dinner ready. I make sure they get to their afterschool events. Then we have homework. I put them to bed. And I have my laundry to do. But she said: That time with my family and that time at home is my premium time. If I am asked to give up my premium time to work longer, I ought to get at least premium pay for it.

I have never heard it said better. Yet that woman will be asked to give up her time with her family, her time with her children, working longer hours, and not get one dime of overtime pay.

If overtime pay is free to the employer, it is going to be overused. If employers no longer have to pay more money for overtime work, they will have no incentive to demand longer hours, no incentive to hire more workers. Workers will have less time to spend with their families.

A study done by the Center for Women and Work at Rutgers University showed that only 20 percent of the workers eligible for overtime worked more than 40 hours a week. In other words, of 20 percent of workers eligible for overtime, only 20 percent worked more than 40 hours a week, but 44 percent of workers who are exempt from overtime pay work overtime, so twice as many. In other words, if the employer doesn't have to pay you overtime, you are twice as likely to work over 40 hours a week than if they have to pay overtime. That is common sense. It stands to reason.

When Congress enacted the overtime provisions in the Fair Labor Standards Act in 1938, Congress did so with the intent that a hard-working America would not leave behind the concept of valuable family time. We believe that workers should be paid extra for the extra hours they work. Time-and-a-half pay accounts for some 25 percent of total income of those who work overtime, and the economic health of too many families is at stake. Congress has voted on this six times on a bipartisan basis to protect these American workers' overtime. Now they want to strip it out again, out of conference. In these tough economic times, why are we taking away families' rights to be fairly compensated in their overtime?

During the first 3 years of the Bush administration, the typical household saw their real income fall by more than $1,500. Real wages have fallen while gas prices have gone up. Milk prices have gone up. Health care costs have gone up. More than 4 million people have been thrown into poverty since the beginning of the Bush administration. More than 5 million have joined the ranks of the uninsured. In this kind of economy, why would the President of the United States want to take money out of families' pockets?

I hope this will be something that will be talked about tonight in the Presidential debate. I am sure the President will say they are expanding overtime pay because they are raising the base. They are raising the base with one hand, taking it away with the other. It is the old shell game. Yes, a worker who is making $15,000 or $18,000 a year will now be automatically covered by overtime. But guess what the administration did in the rules. They have suggestions to employers on how to get around it, how to get around paying the lowest income workers in America overtime.

We have had examples of that. We had an example in The Detroit News: ''Workers Agonize About Overtime Loss.'' Two managers out of 150 at metro Detroit Burger King franchises became eligible for overtime. Rather than make them hourly workers, the company gave them $20 a week raises to maintain their salaried status. They gave them a $20 a week raise so they would just be over that threshold, and they are not eligible for overtime. That means they have a $20 raise, and they to have work 3 or 4 hours' overtime. They are getting minimum wage or below even for working overtime. Two managers out of 150 eligible for overtime. So that is what is happening.

The President might say tonight: Well, they raised the base. But they are already telling employers how to beat it. I hope the President will tonight respond and answer to the American people why he is so intent on taking away the right to overtime pay, to time and a half over 40 hours of work.

Please, Mr. President, tell the women of America why you are sticking it to them, the working mothers of America, why you are taking away their premium time from their families but not allowing them to make premium time by working overtime.

Another issue I hope comes up tonight is the issue of job growth. The job report came out today. The economy created 96,000 jobs last month, less than two-thirds of the amount needed just to keep up with population growth. Only 59,000 were in the private sector, so just slightly over half in the private sector, and the rest were in the public sector. We have lost 1.6 million private sector jobs since President Bush took office.

They may say: That is not quite right. There was an 813,000 job increase. Well, that is because of Government employment. The gap between total jobs and private sector jobs accounted for 813,000 jobs in Government employment. That is called socialism. I wonder what this is called now. President Bush is for socialism? We can't get jobs in the private sector. We will put them on the Government payroll. Shades of the Soviet Union. But the private sector jobs are not there.

Total manufacturing jobs fell by 18,000 in September, the largest drop since last December. A total of 2.7 million manufacturing jobs have been lost since President Bush took office—the first President since Herbert Hoover to not have created one net new job in 4 years in office. What a record. I hope the President talks about how great that is for our country, that the only increase we are getting is in Government jobs.

The unemployment rate is unchanged, 5.4 percent. It was 4.2 percent when the President took office in January of 2001. Eight million Americans were unemployed in September; 2 million more Americans unemployed today than when President Bush took office in January of 2001—a 33-percent increase. That is a terrible way to say it, a 33-percent increase in the number of unemployed in this country since President Bush took office.

Let's talk about long-term unemployment. That is longer than 26 weeks. That means you are out of work longer than 6½ months. Long-term unemployment rose by 83,000 last month. It is now at 1.7 million people. It has increased by 1 million under President Bush. That is long-term unemployment. The long-term unemployed are now 21.8 percent of the unemployed. That share has nearly doubled. This is the economic record. Long-term unemployment more than doubled.

In January of 2001, there were 680,000 long-term unemployed. September 2004, there are 1.75 million, a 160-percent increase in long-term unemployed.

That is it. I hope that the President will please talk about that tonight and how good this is for America and why things are getting better for America and for American families.

As I said, he is the worst President since Herbert Hoover to face the voters, having lost jobs during his tenure. He will finish his term with the worst record since the Great Depression and finish his term having lost private sector jobs. While the economy has created jobs over the last year, the recovery has been modest, with a total of 1.7 million jobs created, which is about 143,000 a month. This is below what is needed to keep up with population growth. A healthy labor market would be creating jobs at a more rapid pace.

During the last economic expansion, the economy created 200,000 jobs per month, for a full decade, every year, and 236,000 jobs per month during President Clinton's two terms. I will repeat that. During President Clinton's two terms, the economy created 236,000 jobs per month. During President Bush's tenure, we have had 143,000 jobs created per month. In January 2001, we had 111,560,000 private sector jobs. In September 2004, we had 109,930,000, with 1.6 million lost during that period of time.

So when the President says they are creating jobs, yes, they are creating jobs—mostly in the public sector, Government employment, but far fewer than is even needed to keep up with the population growth.

The administration has billed its tax cuts as a solution. But its predictions of the impact of the tax cuts have been consistently wrong. In 2001, Congress passed the President's economic plan. Three years later, we still have fewer jobs than existed when the plan became law. In 2003, the administration predicted that passage of that year's tax cut would create 5.5 million jobs by the end of this year, 306,000 jobs per month. That target has only been reached in 2 months, and the total 15-month shortfall is 2.9 million jobs behind the pace predicted by the administration. Job growth is roughly 7 million behind the administration's 2002 prediction of the impact of their economic plan.

I know these are big numbers when you talk about 306,000 and 5.5 million. Well, the fact is that has resulted in hitting our families hard. Here is what happened to families. Median household income: In 2000, the median household income was $44,853. Today, it is $43,318. So it is down $1,500.

I hope the President tonight talks about how this is good for America, how things are getting better, when family income is coming down. I hope the President will address himself to the huge increase in the cost of natural gas in the Midwest, and what that is going to mean to our farmers, our families, to the elderly who have to heat homes with natural gas, to our manufacturing concerns who use natural gas, and power companies that use natural gas to produce electricity.

Yet, household family income is down. The price of natural gas is up, gasoline is up, and oil hit a new high yesterday at $53 a barrel. Great for Halliburton and the oil companies; not too good for our families who have to drive a car to work—maybe drive two cars to work if they have two people working at different times. That is the median household income right there.

I hope tonight's debate will be about domestic issues. I hope they talk about the lack of job growth, the cut in median family income, the number of long-term unemployed; and, yes, I hope they talk about overtime pay and what is happening to people who work hard and are now going to see their rights to overtime pay taken away. Those are mostly women. So that is the economy.

I want to talk about all of those who are going to be hurt by the rules on overtime. Employees earning between $23,660 and $100,000 a year are going to find themselves with their right to overtime restricted or taken away, including veterans, police, nurses, team leaders, journalists, cooks, financial services, computer workers, and many others—a lot of people. So someone earning as low as $23,661 a year will find that their rights to overtime will be taken away. They will be reclassified.

As I pointed out, in Detroit, 2 out of 150 managers at a certain place of business were eligible for overtime—2 out of 150. What happened is the employer realized how to fix it. By raising their salary so it was $23,661, or $23,662—just over the $23,660—guess what. They don't have to pay them overtime anymore. I hope they will talk about that tonight. I hope we will also recognize that there are no excuses for this overtime being taken away.

Three career employees of the Department of Labor who worked in this area under Presidents Reagan, the first Bush, Clinton, and this Bush—so they have worked for various Presidents—all three of them basically said that in every instance where the Department of Labor has made substantive changes to the existing rules, it has weakened the criteria for overtime exemptions, thereby expanding the reach and scope of the exemptions. That means that in every instance where they have made substantive changes to these rules, it has made it easier for employers to deny you the right to overtime pay.

So I hope the President again tonight will respond and tell us why he is intent on taking away the right to overtime pay. I also hope they will talk about health care and what happened to health care coverage in this country. We are now up to about 4.5 million more people who have lost health insurance under this President. Somewhere around 45 million to 50 million people in America have no health insurance coverage—none. No health insurance coverage.

As we have said, the rate of poverty has gone up in this country. We know that especially the elderly are cutting pills in half and going without medicine to pay their heating bills or their lighting bills or their rent. Well, I happened to listen to the Senator from Utah, my friend Senator HATCH, this morning go on and on. As I said, I like him, but he happens to be wrong on this issue, that's all. I don't know how anyone can stand here with a straight face and say that Medicare doesn't have the right to bargain down prices of drugs. In the Medicare prescription drug bill that we passed, which the President signed into law, there is an express prohibition against Medicare bargaining with the pharmaceutical companies to get a cheaper price. They are prohibited from doing this.

The Veterans' Administration is allowed to bargain, and they get great prices. In fact, our veterans get the cheapest drugs anywhere in America through the Veterans' Administration. That is great for our veterans. Why

shouldn't Medicare be able to do the same thing?

JOHN KERRY has a plan. He has a plan for better health care in America, and the first part of his health care plan is to take away that restriction on Medicare and to allow Medicare—not even to allow Medicare, to insist that Medicare bargain with the pharmaceutical companies to get a cheaper price for drugs for the elderly in this country. Now that would be meaningful prescription drug reform.

The second part of the Kerry plan for having better health care for our people is to allow us to have free trade with Canada. One might say we have a free-trade agreement with Canada. Of course, we do. We have NAFTA. It allows free trade with Canada. We can have free trade in cars, clothes, shoes, glasses, paper, and I suppose anything you want to mention, except one item. We do not have free trade with Canada on prescription drugs.

Go along the northern border of the United States and people are driving across the border every day to buy cheaper drugs. Sometimes they take a bus from Iowa, go up through Minnesota, buy prescription drugs, and come back.

Why don't we have a free-trade agreement with Canada on drugs? Why not allow us to reimport drugs from Canada for our people in this country to get a cheaper price? It is time to do so. The Bush administration will not allow that to happen.

For a lot of people in this country who do not have health insurance, they look at us. I have a really good plan. I have a health care plan that allows me to choose doctors and hospitals and covers me wherever I go. Every year I can change my plan. When our kids were little, we had one plan. Now that our kids are grown up and married, we have a different plan. I get to choose from about—I don't know, I didn't check last year—15, 20 different plans. It is a good plan. I have that plan. President Bush is under that plan. Vice President CHENEY is under that plan.

If it is so good, why don't we let the American people buy into this? Why don't we let them buy into the Federal Employees Health Benefits Plan? Senator KERRY says we ought to do that. President Bush says no. It is OK for us, but it is too good for the American people. I think it ought to be good enough for the American people. JOHN KERRY says, yes, he wants to open up the Federal Employees Health Benefits Plan to allow the American people to buy in. That would be very meaningful, especially for small businesses and people who work for small business.

The fourth part of JOHN KERRY's comprehensive plan to have better health care for America is to allow better tax breaks for small businesses to cover their employees with health care. It is very meaningful to those of us who live in rural States. Most of our people who live in small towns and communities work for small businesses. Small businesses simply cannot afford any longer to cover their employees.

JOHN KERRY says we should provide up to a 50-percent tax credit to small businesses and to family farmers to allow them to purchase health care coverage for their employees. President Bush says no. But this is where we need to focus—on our small businesses. That is where most of the people work, and that is where most jobs are created. Yet small businesses simply cannot afford it any longer. JOHN KERRY says, let's provide tax cuts to small businesses to get health care coverage for their employees.

The fourth part of JOHN KERRY's comprehensive health care program is to extend and make more comprehensive the SCHIP program; that is the Children's Health Insurance Program. One might say, the President says he is for that. At his convention in New York, President Bush announced a new $1 billion initiative to enroll millions of poor children in two popular Government health programs, but next week the Bush administration plans to return $1.1 billion in children's unspent health funds to the Treasury. A projected shortfall in Federal SCHIP funds reduced health care to more than 200,000 children.

There you have it. A President Kerry would expand the SCHIP program and get every kid covered. Let poor families get into the SCHIP program and provide them the wherewithal to do so. Under this administration, fewer and fewer children are being covered under the SCHIP program.

Lastly, in his comprehensive plan for health care reform, Senator KERRY has said that we need a real prescription drug benefit for the elderly, not a phony card. And that is what it is, a phony card. That is what the elderly get today, a card. I cannot tell you how many senior citizens have come up to me in Iowa and told me how worthless that card is. They say: I have two or three cards in my billfold or in my purse and some of those are better than the Government card. The card I got with this drug company, or an AARP card—whatever card they have; there are a bunch out there—are better than the Government card. So why should they buy yet another card?

Senators were on the floor the other day saying we should not be denigrating; we should not be talking badly about this card for the elderly. We ought to be promoting it. Promoting it? Don't talk to me; talk to the senior citizens. Find out why they are not buying it. They are not buying it just because I got up here and said it is worthless. They know it is worthless. They are telling me it is worthless. But we are supposed to, I guess, be a cheerleader and get them to buy something that is not in their best interest, that is worthless. Senator KERRY says we need a real prescription drug plan for the elderly and not just a phony card.

Lastly, I want to talk about education. I hope education also is a part of the debate tonight. The President can probably tout the fact that he got a bipartisan bill through called No Child Left Behind. I supported that bill. I am on the Education Committee. We had a lot of negotiations. I was sitting there, since I am a senior member of that committee, in the final negotiations, and the big holdup was how much money would we put into it. We agreed on a number, and President Bush agreed that in exchange for the States doing these things and the mandates we put on No Child Left Behind, in exchange for that, we would provide the funding necessary to meet these requirements, and we specified how much money that would be.

What happened? The first budget year comes up, they get shortchanged. The second budget year comes up, shortchanged again, and once again this year.

I believe we are now in the neighborhood of about $27 billion short in education from what we had guaranteed. If I am wrong, I will come back and correct that, but it is something like that. I know it is over 20. The figure 27 sticks in my head. Even if it was $10 billion or $5 billion, the fact is, we put a mandate on our schools. We said we were going to pay for it, and we have reneged.

Now, do not take my word for it. I tell people, talk to your teachers. If you do not like that, talk to your principal or your superintendent. Talk to your school board members and see what they say about No Child Left Behind. Most of them will say, look, it is test after test. We can handle that, but we are not getting the supporting mechanisms we need because we do not have the funds to do it.

I cannot tell my colleagues how many times it has happened to me in my State of Iowa that I have seen schools where, guess what, they have cut out art classes, they have cut out music classes, they have cut out PE. Why? Because they are pinched. They are strapped. They have to put the money in for No Child Left Behind. Why? Because we did not fund it, one of the largest unfunded mandates ever.

President Bush has not asked for the money in his budget. He did not put it in there to fund No Child Left Behind. I think the President should be held accountable for that on education.

The second largest unfunded mandate our schools have is special education. We promised 25 years ago that we would pay up to 40 percent of the additional costs of funding special education in America. I think we are now at about 18 percent of funding additional costs for special education. We promised 40 percent, and yet time and again we do not get the funds and we do not get the budget allocation to fund special education.

So I hope these will be some of the issues that the President will talk about tonight, that I hope will be involved in the debate because these are the issues that affect families in their daily lives.

Lastly, I will take a little bit of time to talk about why I have been involved in slowing down the process in the Senate today. There are a lot of press people who talked to me about that so I thought I might at least take this time to explain why I am doing it.

The Senator from Arizona yielded me a couple of minutes to explain why I was doing it, and I have only one simple declarative sentence: I am doing it to protect our farmers. I am doing it to protect the jurisdiction of the Agriculture Committee. The occupant of the Chair is our distinguished chairman.

When we pass bills that are multiyear bills, sometimes it takes a lot of debate and discussion and working things out. In the 2002 farm bill, that was true. It took many weeks. I can remember sitting in these conversations on Saturday, Saturday night, and Sunday working it out. These are tough negotiations. Agriculture is very diverse, but I have always believed the Agriculture Committee ought to represent all of agriculture; that we are all in this together.

So we hammered out a farm bill and we passed it. There was give-and-take. Now, I did not get everything I wanted. The Senator from Indiana, who was ranking at the time, did not get what he wanted. The House Democrats did not get all they wanted. The House Republicans did not get all they wanted. That is the art of compromise. But I thought we had a pretty good bill. We had one which was a true compromise, and everyone signed off on it. We passed it with big majorities in the Senate and the House, and the President signed it. I was there for the signing.

I remember the President talking about how this bill was so strong on conservation. That was one of the reasons he was signing it. Yes, I am proud of the fact that the bill had an 80-percent increase in conservation, everything from the WHIP program, the Wildlife Habitat Incentives Program, to the Waters Resources Program, Wetlands Reserve Program, CRP, Conservation Reserve Program, and a whole host of others, and a new program that we started called the Conservation Security Program, Farmland Protection Program, a lot of conservation programs.

So we had a provision dealing with the Conservation Security Program, which was designed to be an uncapped program that entitled every farmer who met certain requirements to be eligible to get payments for protecting soil, water, and air, and being a good farmer. I have long believed that it was not right that we just pay farmers to take land out of production. What about all of those farmers who do produce our food supply and work hard every day, who are good stewards of the land? Should they not have some incentive to take care of the soil, to protect our water, to protect our wildlife? So that is what we hammered out in the Conservation Security Program, an incentive program for farmers, yes, to take better care of the land. It does not require one iota of land taken out of production.

It is voluntary. It is not a mandatory program. No farmer has to participate, but if they will do certain things—there is a minimum level, a moderate level, and a higher level, and if they do these things they will get a payment. But they have to agree to do it for between 5 and 10 years by contract, and then they have to meet certain requirements from the Natural Resources Conservation Service. They sign an agreement that they will do certain things to indeed keep soil from running off, make their soil better, better tilled, protect the water, a whole host of things, all kinds of things, because what is considered good conservation practices in my State of Iowa may not be good conservation practices in the States of Mississippi, Colorado, Washington, or Pennsylvania. Different soil, different land, different crops, different ways. So we wanted to make it so it was adaptable to every part of the country; it was not some cookie-cutter approach.

Well, everyone touted this as a new approach. It was signed off on by the Agriculture Committee, passed and signed by President Bush. Then what happened was the Department of Agriculture began to drag their feet. In the bill, we gave them 18 months to come up with rules and regulations to get this program implemented. We passed the law and it was signed by the President in May of 2002. So that is almost 2½ years ago, and the final rules still have not been promulgated by the Department of Agriculture.

They put out the proposed rules finally after 2 years. So they have been dragging their feet. I guess they just did that for some reason.

We finally got it going and then a couple of years ago for the first time in the history of this Congress we responded to a disaster, a drought, by providing for disaster assistance to hard-hit farmers, but for the first time ever we took it out of agriculture. We made agriculture pay for it. In the 50 years that we have been providing disaster assistance to farmers—or others—it has always been paid for as an emergency spending. Two years ago, for the first time, they took it out of agriculture.

I warned at the time that they were reopening the farm bill, changing a program that was agreed upon and passed by an authorizing committee; that they were fundamentally changing the appropriations process—and I am on the Appropriations Committee, as is the occupant of the Chair. I said that they are fundamentally changing it; this is not right to do this.

Well, it was an on an Omnibus appropriations bill. The House passed it, went home, the funding of the Government was in it, so we had to pass it. I entered into a colloquy with the chairman of the Appropriations Committee, the chairman of the Agriculture Committee, the Presiding Officer, the Senate majority leader, and Senate minority leader. In that colloquy we stated that we agreed, the chairman of the Appropriations Committee agreed that at the first possible time—I will get the exact language—we would put the program back so that we could assure that it would run as intended by the farm bill for the life of the farm bill, which would take us to 2007. Fine. That is OK. So it was put back.

Because there was a lapse of time there, a gap in time, the Department of Agriculture issued some rules on how to implement this program, but they issued rules based upon the fact that it was a capped program and not eligible to every farmer. But the farm bill said it is eligible for every farmer in every State of this country if they meet certain requirements. They said they had to do that because it was capped.

I said, Now it is not capped. We changed it back.

The Department said, OK, we will have to change the rules to make it go back, and they said that. They said they were going to change it.

I know this is a long story, but now it takes us up to today. Once again, we had a disaster. We had two hurricanes, three hurricanes that hit Florida and Georgia and the Carolinas so they are going to provide disaster assistance. I think we should. We always have. How are they going to pay for it? They are going to pay for it as emergency spending.

But there is another disaster that has taken place in other States of the country. We have had tornadoes, mud slides, high winds, hail in other agricultural parts of the country. We want those disasters taken care of, too. The administration said: Yes, we will take care of those disasters, but agriculture has to pay for it, and guess what, it is going to come out of conservation.

Strange. If you are a citrus farmer in Florida and you have an orange grove and there were tornadoes in this hurricane, if a tornado came through and ripped out your trees—and it did, by the way, in a lot of places—you will now get disaster assistance, crop-loss disaster assistance paid for under the hurricane bill, not taken out of agriculture. But if you are a farmer in Mississippi or Iowa and you had a tornado come through and take out your cotton crop or take out my corn crop, you might get compensated, but, guess what, they are taking it out of your other pocket. They are taking it out of agriculture.

Why should our farmers be treated differently than the farmers in Florida, I ask. That is why I have slowed this up today. That is why I wanted to get the attention of the Senate. I have always believed farmers had to be treated the same no matter where they are. That is why this is so bad, what is happening. They are opening up the farm bill

again. They are taking it out of conservation again. They say they are going to do it. It may be conservation today. Next year, it might be commodity payments, maybe payment limitations. I have fought on this floor to protect those things. Maybe that is what it is going to be next year.

Look out. Once we in agriculture divide ourselves up and we say, No, that's all right, we will take it out of there; we will treat farmers someplace different than in another place. Now we opened the farm bill. Our baseline is going to be down. It is going to take it right out of the baseline of agriculture. I know that is sort of the inside game around here. That means agriculture is taking a hit.

What makes this so terrible is that in the last 3 years we, agriculture—I should not say ''we''—the farmers of America saved the taxpayers of this country $15 billion that was allotted for them under the farm bill that they did not have to take. That was $15 billion that went back to the Treasury. You would think we would say: OK, if we saved $15 billion, that is where the disaster assistance ought to come from. We are talking about $3 billion or $2.8 billion. We have already saved $15 billion.

But no, they are not going to count that. They are not going to count that. I am sorry to have to say this. We in the Senate passed an amendment to provide for disaster assistance that would be emergency. We did it here, but the House didn't. And the White House, OMB, is insisting, insisting that this $2.8 billion of disaster assistance for our farmers be taken out of agriculture but not the disaster assistance for farmers in Alabama or Georgia or the Carolinas or Florida. Please, someone tell me, what is the difference? Maybe we are just not lucky enough to have the President's brother as our Governor, or your Governor.

That is why I am so upset about this. It is just not right. It is not right what they are doing. They are fundamentally changing a program we agreed upon. They are taking it out of agriculture, even after we saved all this money. It is not right. I am going to stand here and I am going to fight.

I told them I probably can't win. They have the votes and they have the White House. But I am going to fight for my farmers. I am going to stand here or sit here to the bitter end. If I do not win this time, I will be back.

I told the majority leader. Majority leader, I said, I like you, I respect you. He is a fine guy and he has a tough job. But, I said, I have to fight for my farmers. I have to fight for my rural people. I have to fight to make sure they are not discriminated against. I said, Leader, if I get rolled here, I will be back. If we come back in October, I will be back then. I will be back in November, too. I will be back. I will be back.

Mr. President, I yield the floor.

JURISDICTION

Mr. GRASSLEY. I would like to engage in a colloquy with the ranking member on the Finance Committee, Senator BAUCUS, regarding provisions in Senate Resolution 445 pertaining to the jurisdiction of the Committee on Homeland Security and Governmental Affairs. In particular, I wish to address the provisions that exclude from the jurisdiction of that committee oversight of matters relating to the customs revenue functions, and the commercial functions and commercial operations, of the Bureau of Customs and Border Protection—CBP—and the Bureau of Immigration and Customs Enforcement—ICE.

Mr. BAUCUS. This is a very important topic. As the Chairman of the Finance Committee will recall, the issue of customs authority was a major one in the debate leading up to passage of the Homeland Security Act of 2002. The Finance Committee held a hearing in July 2002, followed by a letter to the Chairman and Ranking Member of the Governmental Affairs Committee. We stressed the importance of preserving the revenue collection and trade facilitation functions of the U.S. Customs Service, even as that agency moved into the Department of Homeland Security with an added national security focus. I would be pleased to engage in a colloquy on this topic with my good friend from Iowa.

Mr. GRASSLEY. I appreciate the Senator's recollection of our efforts on this issue. I would add that following the hearing and our letter, we worked closely with the Committee on Governmental Affairs and with the Administration to develop text that would keep intact the commercial functions of the Customs Service. Under the final legislation, authorities vested in the Secretary of the Treasury relating to customs revenue functions remained with the Secretary of the Treasury unless delegated to the Secretary of Homeland Security. By order of the Secretary dated May 15, 2003 Treasury Order 100–16), the Secretary of the Treasury delegated to the Secretary of Homeland Security general authority over Customs revenue functions, subject to certain exceptions that preserved Treasury's oversight of the Customs Service with respect to policy matters and the authority to issue regulations and determinations.

Mr. BAUCUS. Yes, and I believe we can both agree that our efforts were successful in preserving the revenue functions, commercial functions, and commercial operations of the Customs Service, including oversight of those functions and operations within the Committee on Finance.

Mr. GRASSLEY. I concur entirely. And the Senator's last point-the importance of preserving oversight of the revenue functions, commercial functions, and commercial operations that are now delegated to CBP and ICE—leads directly to the main point of this colloquy; namely, the necessity of preserving the role of the Finance Committee as primary overseer of the customs revenue functions, the commercial functions, and the commercial operations associated with the customs duties now being performed by employees of the Department of Homeland Security. I want to thank my colleagues, Senator MCCONNELL and Senator REID, for working so constructively with me and Senator BAUCUS to address this priority. Together, we have clarified the scope of jurisdiction for the Committee on Homeland Security and Governmental Affairs as it relates to the commercial aspects of customs operations.

Mr. BAUCUS. I concur in thanking our colleagues for their cooperation in addressing this important issue. For the benefit of the record, would the Chairman of the Finance Committee outline the clarifications that have been added to the resolution?

Mr. GRASSLEY. I would be pleased to do so. To begin, I think it's important to appreciate the context in which the clarifications have been made. Commercial customs functions are one element of the comprehensive international trade agenda of the United States. The various elements of international trade and trade policy are woven together so thoroughly that effective oversight of the whole necessitates oversight of the individual elements of trade. Now, of utmost importance to our broader purpose here today, we agree that preservation of Finance Committee jurisdiction in this manner will not in any way diminish the effective oversight of Department of Homeland Security functions by the Committee on Homeland Security and al affairs. Consequently, the clarifications we've added serve only to enhance effective oversight by the United States Senate of both the homeland security interests and the international trade interests of the United States.

Now, the provisions we've added specify that the Committee on Homeland Security and Governmental Affairs will have jurisdiction over matters relating to the Department of Homeland Security, except matters relating to the following: first, any customs revenue function, including but not limited to the customs revenue functions enumerated in section 415 of the Homeland Security Act of 2002. For example, that would cover the assessment and collection of customs duties, antidumping and countervailing duties, duties imposed under the various safeguard provisions in our trade laws, excise taxes, fees and penalties due on imported merchandise. But these are only some of the many revenue functions associated with customs operations. I encourage my colleagues to refer to section 415 of the Act, and again I note that section 415 is illustrative and does not provide an exhaustive list of the customs revenue functions that will remain within Finance Committee jurisdiction.

Second, matters relating to any commercial function or commercial operation of the Bureau of Customs and Border Patrol and the Bureau of Immigration and Customs Enforcement

would be excluded from the jurisdiction of the Committee on Homeland Security and Governmental Affairs. That would cover, for example, matters relating to trade facilitation and trade regulation. But let's take a closer look at what that would mean. Last year I introduced the Clean Diamond Trade Act. That important legislation prohibits trade in conflict diamonds. Once introduced, it was referred to the Committee on Finance where we held a hearing and reported it to the full Senate with the benefit of committee's expertise. In the future, similar legislation to regulate imports or exports would also be referred to the Finance Committee.

Mr. BAUCUS. That specific example is very helpful. Does the Chairman of the Finance Committee have any other examples in mind?

Mr. GRASSLEY. Well, another example would be the Convention on Cultural Property Implementation Act, over which the Finance Committee would retain jurisdiction. That legislation authorizes the United States to enter into bilateral agreements to protect the cultural antiquities of a trading partner. Another example would include matters relating to the Automated Commercial Environment—or ACE—computerized entry system for imports. Again, the driving factor here is whether a matter is commercial or trade regulatory in nature; if so, the Finance Committee would retain jurisdiction over the matter notwithstanding that the matter may fall among the duties assigned to an employee of the Department of Homeland Security.

Mr. BAUCUS. I thank the Chairman. Are there any other matters that fall within the exception to transfer of jurisdiction to the Committee on Homeland Security and Governmental Affairs?

Mr. GRASSLEY. Yes, in fact there is a third clarification that's been added. The Committee on Homeland Security and Governmental Affairs will have jurisdiction over matters relating to the Department of Homeland Security, except with respect to any other function related to the customs revenue functions or to the commercial functions or commercial operations that were exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002. Now, the Homeland Security Act directed the Secretary of the Treasury to identify, within 60 days after the date of enactment of the Act, those authorities vested in the Secretary of the Treasury that were exercised by the Commissioner of Customs on or before the effective date of the act. By letter dated January 24, 2003, the General Counsel at the Department of the Treasury transmitted that report to the Finance Committee. I ask unanimous consent that the General Counsel's letter and attached report be printed in the RECORD, in order to provide further guidance as to what is covered by this third clarifying provision. As comprehensive as this report is, I note that it serves to provide illustrative guidance and is not an exhaustive list of the functions or operations encompassed by the third clarification we've added.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, January 24, 2003.

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC

Hon. MAX BAUCUS,
Committee on Finance, Dirksen Senate Office Building, Washington, DC.

GENTLEMEN: Under Section 418(b) of the Homeland Security Act of 2002 (the ''Act''), Title IV, Subtitle B, Public L. No. 107–296, 116 Stat. 2135 (November 24, 2002), the Secretary of the Treasury is directed to report to your Committees any proposed conforming amendments to determine the appropriate allocation of legal authorities described under section 412(a)(2) of the Act. The Secretary of the Treasury is also directed to identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section. This report is due not later than 60 days after the date of enactment of the Act and is provided by this letter.

Treasury has identified no conforming amendments needed to determine the appropriate allocation of legal authorities described under section 412(a)(2) of the Act. Under section 412(a)(1), authority related to Customs revenue functions that was vested in the Secretary of the Treasury by law before the effective date of this Act under those provisions of law set forth in section 412(a)(2), shall not be transferred to the Secretary of Homeland Security by reason of this Act. Rather, on and after the effective date of this Act, the law provides that the Secretary of the Treasury may, at his discretion, delegate any such authority to the Secretary of Homeland Security and that the Secretary of the Treasury shall consult with the Secretary of Homeland Security regarding the exercise of any authority not so delegated. Based on our review, we have identified no barriers to the appropriate allocation of legal authorities described under section 412(a)(2). As we work with the Department of Homeland Security and others to implement the act, we will notify you promptly if we determine that currently unforeseen legal barriers pose a problem that require a legislative solution.

To complete this report, a chart is attached identifying those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this Act. We are pleased to be of assistance in this matter.

Sincerely,

DAVID D. AUFHAUSER,
General Counsel.

Mr. GRASSLEY. Mr. President, the chart attached to the January 24, 2003, letter of the General Counsel to the Chairman and Ranking Member of the Senate Finance Committee regarding the authorities vested in the Secretary of the Treasury that were exercised by the Commissioner of Customs prior to the effective date of the Homeland Security Act of 2002 may be accessed at the Finance Committee Web site under ''Legislation—January 2003''.

Mr. BAUCUS. I thank the Finance Committee Chairman. There is one last point, I think, we should address. First, I would like to add that it's my understanding that the Finance Committee has had jurisdiction over customs for 188 years, and so I am glad to see today that the Committee's expertise will continue to be brought to bear on the customs revenue functions and the commercial functions and operations of our customs officials. As part of that longstanding oversight, I note that referral of nominees for the position of Commissioner of Customs has been to the Finance Committee. I ask the Chairman, does he anticipate that such referral will continue in the future?

Mr. GRASSLEY. I thank the Senator. Under section 411 of the Homeland Security Act of 2002, there is established a Commissioner of Customs, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner of Customs reports to the Under Secretary for Border and Transportation Security. The Commissioner of Customs shall oversee certain functions, including functions performed by the following personnel and associated support staff of the United States Customs Service on the day before the effective date of the Homeland Security Act: Import Specialists, Entry Specialists, Drawback Specialists, National Import Specialists, Fines and Penalties Specialists, attorneys of the Office of Regulations and Rulings, Customs Auditors, International Trade Specialists, and Financial Systems Specialists. Clearly, the responsibilities of the Commissioner of Customs encompass customs revenue functions, and commercial functions and operations, that are now assigned to employees of the Department of Homeland Security. So, in response to the Senator, I say yes, it is clear that referral of future nominees for the position of Commissioner of Customs, or any position or positions charged with responsibilities similar to those of the Commissioner of Customs, will continue to be made to the Finance Committee.

Mr. BAUCUS. I thank the Chairman of the Finance Committee for his elaboration of the provisions that have been added to clarify the parameters of the jurisdiction of the Committee on Homeland Security and Governmental Affairs, and for his description of illustrative and non-exhaustive examples of the types of jurisdiction that will remain within the Committee on Finance.

• Mr. CHAMBLISS. Mr. President, I rise today to speak on H.R. 4520, the American Jobs Creation Act of 2004.

This important legislation attempts to comply with the World Trade Organization, WTO, rulings on the Foreign Sales Corporation, FSC, Extraterritorial Income, ETI, benefit in order to prompt the European Union to rescind trade tariffs currently placed on United States exporters. It would repeal an export provision in the

United States tax code that has been ruled an unfair subsidy and therefore does not comply with the WTO. In addition this bill seeks to preserve jobs and production activities in the United States via the simplification of international tax laws and a mix of investment incentives. A $10 million tobacco buyout, minus the Food and Drug Administration's regulation, is also incorporated within this bill.

This bill would replace the current export subsidy that has been ruled unfair by the WTO with a new $77 billion tax break on manufacturing income. Companies will also be able to exclude 9 percent of their manufacturing profits from taxation and multinational companies will receive $43 billion in a variety of tax cuts on their overseas income. These tax breaks and incentives are instrumental in our attempt to comply with the WTO while ensuring American jobs stay at home.

Also included in this package is a landmark change. This bill contains provisions to terminate the Federal tobacco quota program. This tobacco quota program was created during the 1930s and has provided controls on the production of tobacco for decades. And it has worked well. However, since 1998 tobacco quotas have been cut by over 50 percent leaving tobacco farmers with no where to turn. This package provides compensation for those farmers and quota holders who have lost over half of their assets through no fault of their own.

Compensation of $7 to quota owners and $3 to producers based on the 2002 effective quota level is provided in this package while at the same time it keeps producers free of potential burdensome regulations advocated by some in the industry. I am pleased that the funding for this buyout comes at no cost to the taxpayer without granting authority to the FDA to regulate tobacco and tobacco products.

In terms of the economy, this legislation will have a significant impact on rural Georgia. Mr. President, $607 million will be provided over a ten year period. Additionally growers can continue to produce tobacco without government constraints and be competitive in the world tobacco market.

I support the passage of this significant legislation because it will benefit the manufacturing industry in Georgia while ensuring American jobs are not lost overseas due to burdensome and unfair tax regulations. I also support the passage of this bill because of the unregulated FDA tobacco buyout provisions that compensate tobacco farmers for assets that have been plundered by the Federal Government.

It is because of my son's wedding this weekend in Georgia that I regret that I will not be able to actually vote on this legislation. However, if I was in attendance and able to cast my vote on H.R. 4520, it would be in support of this bill.●

Mr. BINGAMAN. Mr. President, I come to the floor to thank the chairman and ranking member of the Finance Committee for their assistance in getting my amendment on the Civil Rights Tax Review in the conference report to accompany H.R. 4520, the American Jobs Creation Act of 2004.

The law with respect to the tax treatment of attorneys' fees paid by those that receive settlements or judgments in connection with a claim of unlawful discrimination, a Qui Tam proceeding or actions containing damages for non-physical injuries was unclear and that its application was questionable as interpreted by the IRS. It was never the intent of Congress that the attorneys' fees portions of such recoveries should be included in taxable income whether for regular income or alternative minimum tax purposes. The language contained in section 703 of H.R. 4520, the American Jobs Creation Act of 2004 is intended to clarify the proper interpretation of the prior law, and any settlements prior to the date of enactment should be treated in a manner consistent with such intent.

The conferees are acting to make it clear that attorneys' fees and costs in these cases are not taxable income, especially where the plaintiff, or in the case of a Qui Tam proceeding, the relator, never actually receives the portion of the award paid to the attorneys. Despite differing opinions by certain jurisdictions and the IRS, this is the correct interpretation of the law prior to enactment of section 703 as it will be going forward. In adopting this provision, the Congress in no way intends to prejudice the tax treatment of settlements or awards made prior to that time and the courts and IRS should not treat attorneys' fees and other costs as taxable income.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that at 11:15 a.m. on Saturday, October 9, the Senate proceed to votes in relation to any pending amendments to the McConnell-Reid amendment to S. Res. 445; provided further that it be in order prior to the votes for Senators to offer a qualified amendment from the unanimous consent list of last night; provided further that following the disposition of those amendments the Senate proceed to a vote on the adoption of the pending McConnell-Reid substitute, to be followed by the immediate vote on cloture on the underlying resolution; further, that if cloture is invoked, the Senate immediately proceed to a vote on adoption of the resolution, as amended, with no intervening action or debate.

I now ask unanimous consent it then be in order during Saturday's session for the Senate to consider a resolution submitted by Senator HARKIN regarding the sense of the Senate on agricultural emergencies which is currently at the desk; further, that when the Senate finishes S. Res. 445, the Senate immediately proceed to a vote on the adoption of the Harkin resolution, with no intervening action or debate and the preamble then be agreed to.

I further ask unanimous consent that the vote with respect to cloture on the conference report to accompany H.R. 4520 occur at 1 p.m. Sunday, October 10.

Finally, I ask unanimous consent that during Sunday's session it be in order for the Senate to consider a bill regarding overtime compensation and a bill regarding FDA and tobacco products which are currently at the desk; I ask unanimous consent that on Sunday those bills be read a third time and passed, en bloc, with the motions to reconsider laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, this does not preclude other matters that might be worked out either by consent or otherwise during that time; is that correct?

Mr. FRIST. That is correct.

Mr. LEAHY. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

THE DNA ACT

Mr. LEAHY. Mr. President, I have been in a lot of discussions today by phone, with my staff, and elsewhere, on H.R. 5107, something referred to as the innocent protection act and by others as the DNA act.

I think we are close. In some ways, it is like the perils of Pauline, you are up the hill, down the hill, if we can excuse, at 10 minutes of 8 in the evening, mixed metaphors.

But this is a bill that passed with overwhelming bipartisan support in the other body, from the most conservative to the most liberal Members of the other body. Then there is just a little difference, or at the last moment the Department of Justice comes up with some little thing they just thought of.

After a while, one wonders if even with the proven, overwhelming support—polls show overwhelming support for it; the other body has passed it overwhelmingly. I would guess if we actually had a vote in this body, 80 to 90 Members would vote for it. There are always a couple of Members who have some reason for holding it up. I hope we get rid of that. I hope we are coming closer.

I only wanted to say this for my colleagues both in the House and in the Senate who have been working with me and my staff today and working with people everywhere, from church groups to prosecutors' groups throughout yesterday and late last night and throughout today, I am hoping we can settle. That is why I asked the question of the distinguished Senator from Tennessee, to make sure we reach such an agreement at some point and we can move forward.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 29 young Americans who have been killed in Iraq since September 3. All of them were from California or were based in California.

PETTY OFFICER 3RD CLASS ERIC L. KNOTT, AGE 21

Petty Officer Knott was killed September 4 when the area in which he was working was struck by enemy fire. He died of shrapnel wounds and had been supporting Operation Iraqi Freedom.

He was assigned to Naval Mobile Construction Battalion 4, Port Hueneme, CA.

LANCE CORPORAL LAMONT N. WILSON, AGE 20

Lance Corporal Wilson died September 6 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

CORPORAL MICK R. NYGARDBEKOWSKY, AGE 21

Corporal Nygardbekowsky was killed in action September 6 from an explosion while conducting combat operations in the Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA. He was from Concord, CA.

LANCE CORPORAL JOSEPH C. MCCARTHY, AGE 21

Lance Corporal McCarthy was killed in action September 6 from an explosion while conducting combat operations in the Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

He was from Concho, CA.

LANCE CORPORAL QUINN A. KEITH, AGE 21

Lance Corporal Keith died September 6 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL DEREK L. GARDNER, AGE 20

Lance Corporal Gardner was killed in action September 6 from an explosion while conducting combat operations in the Al Anbar Province.

He was assigned to Headquarters Battalion, first Marine Division, Camp Pendleton, CA.

He was from San Juan Capistrano, CA.

PRIVATE FIRST CLASS DAVID BURRIDGE AGE 19

Private First Class Burridge died September 6 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL MICHAEL J. ALLRED, AGE 22

Lance Corporal Allred died September 6 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

FIRST LIEUTENANT ALEXANDER E. WETHERBEE, AGE 27

First Lieutenant Wetherbee died September 12 from injuries received from enemy action in Al Anbar Province.

He was assigned to 3rd Assault Amphibian Battalion, first Marine Division, Camp Pendleton, CA.

PRIVATE FIRST CLASS JASON T. POINDEXTER, AGE 20

Private First Class Poindexter died September 12 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, 5th Marine Regiment, first Marine Division, Camp Pendleton, CA.

SPECIALIST EDGAR P. DACLAN, AGE 24

Specialist Daclan died September 10 in Balad, Iraq when his patrol was responding to indirect fire and an improvised explosive device exploded.

He was assigned to the first Battalion, 18th Infantry, first Infantry Division from Schweinfurt, Germany.

He was from Cypress, CA.

LANCE CORPORAL DOMINIC C. BROWN, AGE 19

Lance Corporal Brown died September 13 due to a non-combat related incident in Al Anbar Province.

He was assigned to Headquarters Battalion, first Marine Division, Camp Pendleton, CA.

STAFF SERGEANT GUY S. HAGY, JR., AGE 31

Staff Sergeant Hagy died September 13 in Baghdad when an improvised explosive device detonated near his observation post.

He was assigned to the first Battalion, 12th Cavalry Regiment, first Cavalry Division, Fort Hood, TX.

He was from Lodi, CA.

MAJ. KEVIN M. SHEA, AGE 38

Maj. Shea died September 14 due to enemy action in Al Anbar Province.

He was assigned to first Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL MATTHEW D. PUCKETT, AGE 19

Lance Corporal Puckett died September 13 due to enemy action in Al Anbar Province.

He was assigned to 3rd Assault Amphibian Battalion, first Marine Division, Camp Pendleton, CA.

CORPORAL ADRIAN V. SOLTAU, AGE 21

Corporal Soltau died September 13 due to enemy action in Al Anbar Province.

He was assigned to 3rd Assault Amphibian Battalion, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL DREW M. UHLES, AGE 20

Lance Corporal Uhles died September 15 from injuries received due to enemy action in Al Anbar Province.

He was assigned to first Battalion, 7th Marine Regiment, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

CORPORAL JAYGEE MELAUT, AGE 24

Corporal Melaut died September 13 due to enemy action in Al Anbar Province.

He was assigned to 3rd Assault Amphibian Battalion, first Marine Division, Camp Pendleton, CA.

FIRST LIEUTENANT ANDREW K. STERN, AGE 24

First Lieutenant Stern died September 16 from injuries received due to enemy action in Al Anbar Province.

He was assigned to first Tank Battalion, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

CORPORAL STEVEN A. RINTAMAKI, AGE 21

Corporal Rintamaki died September 16 due to enemy action in Al Anbar Province.

He was assigned to 3rd Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

CORPORAL CHRISTOPHER S. EBERT, AGE 21

Corporal Ebert died September 17 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, first Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL GREGORY C. HOWMAN, AGE 28

Lance Corporal Howman died September 15 due to enemy action in Al Anbar Province.

He was assigned to second Battalion, 5th Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL STEVEN C.T. CATES, AGE 22

Lance Corporal Cates died September 20 due to enemy action in Al Anbar Province.

He was assigned to first Battalion, 7th Marine Regiment, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

SERGEANT BENJAMIN K. SMITH, AGE 24

Sergeant Smith died September 22 due to enemy action in Al Anbar Province.

He was assigned to first Tank Battalion, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LANCE CORPORAL RAMON MATEO, AGE 20

Lance Corporal Mateo died September 24 as result of enemy action in Al Anbar Province.

He was assigned to Headquarters and Service Company, 7th Marine Regiment, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

SERGEANT TIMOTHY FOLMAR, AGE 21

Sergeant Folmar died September 24 as result of enemy action in Al Anbar Province.

He was assigned to second Battalion, 5th Marine Regiment, first Marine Division, Camp Pendleton, CA.

LANCE CORPORAL AARON BOYLES, AGE 24

Lance Corporal Boyles was killed in action September 24 from small arms

fire while conducting combat operations in the Al Anbar Province.

He was assigned to Headquarters and Service Company, 7th Marine Regiment, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

He was from Alameda, CA.

SERGEANT FIRST CLASS JOSELITO O. VILLANUEVA, AGE 36

Sergeant First Class Villanueva died September 27 in Balad, Iraq when he was at an observation post and was shot by a sniper.

He was assigned to the 9th Engineer Battalion, first Infantry Division, Schweinfurt, Germany.

He was from Los Angeles, CA.

PRIVATE FIRST CLASS KENNETH L. SICKELS, AGE 20

Private First Class Sickels died September 27 in Al Anbar Province.

He was assigned to first Battalion, 7th Marine Regiment, first Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA. He was from Apple Valley, CA.

Two hundred and eighty three soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

LIEUTENANT DAVID KINGSLEY MEMORIAL SERVICE

Mr. WYDEN. Mr. President, in just a couple of weeks, on October 23, a memorial will be erected by villagers and family member at Suhozem, Bulgaria to honor one of our Nation's brave soldiers and one of Oregon's native sons, Lt. Kingsley. Today, I wish to take a few minutes to remember Lt. Kingsley and share his story of great courage and sacrifice.

The story of Lt. David Kingsley is emblematic of the strength and pioneering spirit of the earliest Oregonians. Lt. Kingsley was born and raised in Portland, OR and graduated from Benson High School. Prior to enlisting in the Air Force, he worked in the disaster unit of the Portland Fire Bureau—always committed to the service of his community and country. During the Second World War, he went to pilot training, and then served as a bombardier in a B–17F. He was assigned to the 341st Bomb Squadron, 97th Bombardment Group, 15th Air Force.

On June 23, 1944, he was on Mission No. 295, flying out of Amendola airfield in Foggia, Italy against the Dacia Oil Refinery in Ploesti, Romania. While on the bombing run, the right wing of his aircraft was hit by enemy fire. His aircraft took 15 strikes, crippling it as it flew over Bulgaria. The attack injured several members of the aircrew, including the tail-gunner. Lt. Kingsley had to remove the tail-gunner's damaged parachute to provide first-aid.

An order to bailout was given; the Lieutenant gave his parachute to the injured tail-gunner and reminded him to pull the ripcord. The last airman exiting the crippled aircraft remembers seeing Lt. Kingsley standing in the bomb bay of the plane, making sure all of his fellow crew were out of the plane first. Because of Lt. Kingsley's previous flying experience, he jumped into the pilot's seat and tried to regain control of the aircraft, which descended and circled the field in an attempt to land. Witnesses reported seeing the aircraft dive steeply and crash in a field just north of Plovdiv, Bulgaria. Lt. Kingsley never got out alive. For his extreme bravery he was posthumously awarded the Medal of Honor.

Today, one of the Oregon Air Guard's F–15 units is based in southern Oregon at Kingsley Field, named in Lt. Kingsley's honor. This year marked the 60th anniversary of that fateful day and of Kingsley's heroism.

At a time when so many young men and women from Oregon and all across the Nation are fighting overseas, we honor their service. And we must also remember to honor the service of these veterans—some of whom, like Lt. Kingsley, have made the ultimate sacrifice—so that we can live in freedom and continue to pursue our dreams. We do not forget and will not forget them, and we are forever grateful for their honorable service to and sacrifices for our Nation.

SERGEANT JOSHUA J. SKVOR

Mr. GRASSLEY. Mr. President, I rise today in honor of a fellow Iowan and a dedicated serviceman, Sergeant Joshua J. Skvor, of Cedar Rapids, IA. It is my sad duty to inform the Senate that Sgt. Skvor, a member of the Iowa National Guard, lost his life when the truck he was driving was involved in a collision with another vehicle north of Amana, IA. My deepest sympathy goes out to his family and friends. Sgt. Skvor was assigned to the Iowa Army National Guard's Headquarters and Headquarters Company, 234th Signal Battalion, stationed in Cedar Rapids. He is survived by his mother and father, Rachel and Joseph Skvor. They can be very proud of their son.

Though not currently serving on Federal active duty, Sgt. Skvor had recently returned from a 14-month deployment in Iraq in support of Operation Iraqi Freedom. As we mourn his tragic loss, it is fitting that we pay tribute to his service to his country. He will be missed by his fellow soldiers as well as all those who knew him.

CORRAL DRIVE ELEMENTARY SCHOOL

Mr. DASCHLE. Mr. President, I would like to take a moment to congratulate the Corral Drive Elementary School in Rapid City for being recognized by the U.S. Department of Education as a ''Blue Ribbon School.''

The Federal Blue Ribbon Schools program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Corral Drive Elementary School clearly meets those high standards. Last year, 90 percent of its students were proficient or advanced in reading, and 84 percent were proficient or advanced in math.

South Dakota also has one other Blue Ribbon School this year: The Challenge Center School in Sioux Falls.

If you visit Corral Drive Elementary School—as I had the pleasure of doing last spring—it's clear why the school is so successful. It is a lively place where each child's spark of curiosity is nurtured and valued. The walls are covered with students' work and teachers and parents are eager to talk about the children's progress. Overseeing it all is a thoughtful and energetic principal, Mrs. Nancy Whitcher.

Like communities across America, Rapid City has had to cut a number of programs for students, in order to meet budget constraints as well as the new mandates in the No Child Left Behind Act. The fact that Corral Drive Elementary School has achieved such success in the face of such significant challenges makes the Blue Ribbon School designation all the more impressive. Parents, teachers, administrators and everyone in the Corral Drive community can be very proud of Blue Ribbon School designation and, more importantly, of everything they are doing to make sure that their children have the opportunity to develop their God-given skills and abilities.

Education is something South Dakotans take very seriously, and we are proud of how well our schools are doing. About three-quarters of our children demonstrated proficient on the latest No Child Left Behind exams, and our state ranks among the top 10 in the country on the National Assessment of Educational Progress.

Good, strong public schools like Corral Drive are pillars of hope. They are also the cornerstone of American democracy. They are what has helped America create the most innovative, powerful economy the world has ever known. It's important to let our educators and parents know that we value their efforts and celebrate their successes. So today, I am pleased to send my congratulations to the educators and families of the Corral Drive school. Keep up the great work!

CONGRATULATIONS ON 30 YEARS

Mr. DASCHLE. Mr. President, this month we celebrate an important milestone in South Dakota: The opening of the first Super 8 Motel.

In 1974, the first Super 8 Motel opened in my hometown of Aberdeen, SD. This motel is a pioneer of the economy motel industry, and a perfect example of entrepreneurial success. In its first year of operation, Super 8 showed that its founders, Dennis Brown and Ron Rivett, were surpassing their goals by leaps and bounds—one year after its first motel opened, an additional three motels sprang up in the cities of Pierre, Mitchell, and Yankton. This unprecedented growth continued, and today, in Super 8's thirtieth year of operation, this small business venture

has resulted in over 2,000 motels opening throughout the United States and Canada.

Super 8's success is predicated on the core operating values that Dennis and Ron instilled in their employees and motel owners: cleanliness, efficiency, and friendly service. From its inception, the founders and board members continually strived to better serve their customers. Some examples of their strong commitment to customer service are the implementation of one of the first toll-free reservation lines in the early 1970s and the VIP club, which currently has over 7.5 million members.

I will never forget when I returned home to Aberdeen and saw the first Super 8 Motel: a two story stucco building on Sixth Avenue, Southeast. At that time, very few people could conceive that this start-up business would reshape the hospitality industry. Thankfully, Dennis and Ron had the plan and the motivation to realize their goals and make believers out of ordinary folks in need of a place to stay on the road.

After my stays at Super 8 Motels, it was clear that this company was destined for greatness. Super 8 is a true American success story, which could not have been achieved without the hard work and determination of Dennis, Ron, and all of their hard-working staff. I am confident that Super 8 will continue to grow for many years to come, and I wish to extend my congratulations to everyone that has been involved in this monumental effort over the past 30 years.

JAPAN AND BURMA

Mr. McCONNELL. Mr. President, it has come to my attention that since October of last year, the Government of Japan has funded at least 28 new projects in Burma totaling more than $18 million. Some of these funds appear to have been provided directly to the illegitimate and repressive State Peace and Development Council, SPDC.

A question many of my colleagues may be asking is: Why is Japan providing assistance to Burma and the thugs in Rangoon when Burmese democracy leader Daw Aung San Suu Kyi and other members and supporters of the National League for Democracy, NLD, remain imprisoned?

I wish I knew the answer.

Providing assistance to Burma and the SPDC sends exactly the wrong message at the wrong time. Assistance to the junta prolongs the suffering of the Burmese people and props up an illegitimate regime, headed by Than Swe, which has tortured, murdered and raped with impunity.

It is time Japan gets with the program and pressures the SPDC to begin meaningful reconciliation with the NLD—the only legitimately elected leadership of that country.

Freedom needs Japan's help in Burma.

TRIBUTE TO MR. CLATIS WALKER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a valued educator in my State who is retiring in November after more than 30 years of service to the youth of Kentucky, Mr. Clatis Walker.

The education profession is one that people seem to take for granted from time to time in our society, but its importance cannot be overlooked. The impact educators have on future generations is paramount. This responsibility is made all the greater when the focus is on children with special needs. Mr. Walker has taken this responsibility and welcomed it throughout his career.

In 1972, Mr. Walker began his career as a special education teacher in Montgomery County, KY. Six years later, he became a field service consultant for the Bureau of Education for Exceptional Children for the Kentucky Department of Education.

Mr. Walker jumped back into the classroom in 1980 when he accepted the position as Special Education Work Study Program coordinator and Athletics Director at Bourbon County High School. In 1982, he returned to Montgomery County, where he began his teaching career. He spent the next 9 years serving in several capacities including, special education coordinator, early childhood coordinator, chairman of the Northeastern Bluegrass Education Cooperative Project, and Assistant Principal at J.B. McNabb Middle School.

A change in profession occurred in 1991 when he left the education field to become an assistant vice president at Montgomery Traders Bank, where he was a loan specialist. His absence in the Montgomery County school system was noticed and in 1993, Mr. Walker returned as the Director of Special Education and the Director of Public Relations.

In 1999, he was named the Executive Director of the Central Kentucky Special Education Cooperative. This cooperative aims to enhance the educational opportunities for its students by allowing the Kentucky Department of Education, school districts, and state universities to work together. The important work of this cooperative has taken place because of the leadership of Mr. Walker.

Mr. President, today I ask my colleagues to join me in honoring and recognizing the career of this outstanding Kentuckian, Mr. Clatis Walker.

HONORING LUCES

Mr. REID. Mr. President, I rise today to recognize Lo Nuestro de Latinos Unidos Celebrando Salud, LUCES, or the Latino HIV/AIDS Task Force of Clark County, NV for its efforts to promote National Latino AIDS Awareness Day.

The 2nd Annual National Latino AIDS Awareness Day will mark the last day of Hispanic Heritage Month, an annual celebration in which we recognize the tremendous contributions of our Nation's Latino community. This day will focus attention on an important health challenge facing the Latino community, and on how we can help the community overcome this challenge.

Latinos account for 14 percent of all HIV infection cases and 15 percent of AIDS cases in Clark County. It is critical that we stop the spread of this terrible disease. The dedication of LUCES to educating and advocating on this important issue in Clark County is commendable.

I would like to take a moment to recognize several individuals for their hard work and strong commitment on this issue: Cheryl Ballard, Marcia English, Cherie Filler-Maietta, Robbie Keeley, Ernesto Martinez, Julie McCain, Keanu Medina, Molly Puno, Elias Zamorano, and Louise Zuniga.

Please join me in congratulating the members of LUCES for their work to promote public health, and in wishing them great success in their future endeavors.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 4, 2000, in LaCrosse, WI, Jason Welch and Jason Elisius, both 21, were charged with a hate crime for allegedly violently targeting two gay men because of their sexual orientation.

I believe that the 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.

A NOTE OF GRATITUDE

Mr. PRYOR. Mr. President, I rise today to acknowledge the assistance and support one soldier's family has shown him during his 26 years of service in the United States Army. Lieutenant Colonel Andy Lucas, currently serving with J37, Joint Task Force Global Network Operations, is the oldest of Andrew and Shirley Lucas' five children. The entire family attend the University of Arkansas, making me particularly proud because that is my alma mater, and Mr. Lucas and three of his children have bravely served our country in the military.

Lieutenant Colonel Lucas wrote to me on the occasion of his retirement

and asked that I write to each of his family members in an effort to show them how grateful he is for their love and support over the last 26 year. He writes.

My family is fantastic, personal bias aside. Throughout my entire time in the military, they have always been there to support me and provide that emotional stability during deployments in both peace and crisis. Everything that I have accomplished in the military and in life can be attributed to the upbringing, love, and support by my parents coupled with the love and support from my brothers and sister. I am truly blessed to have such a wonderful family . . .

Our country is blessed to have you, too, Andrew and Shirley Lucas; Ernest and Carole Lucas; Lieutenant Colonel John and Coleen, John Jr., Kevin, Bryan, and Andrea Lucas; Jim and Cathy, Linden and Weston Spalding; Thomas and Sara, Darcy and Will Lucas; and April Kulda-Lucas and Christopher Drew, LTC Lucas' wife and son. It is extremely hard on our men and women in uniform to deal with the ups and downs of military life, but it is family members like you that help them through it, which is why I am happy to honor LTC Lucas' request and say thank you for your service to our country.

PASSAGE OF H.R. 5149

Mr. HATCH. Mr. President, last week the Senate passed yet another short-term extension of the 1996 welfare law. This marks the eighth temporary extension—and the third year we have been unable to improve this program that serves millions of needy families. I rise today to express my disappointment that improving this legislation has not been realized because of efforts by some of my colleagues to undermine the principles and goals of reform.

I think we can all agree that welfare reform has been one of the most successful social policy reforms in U.S. history. The 1996 welfare reform legislation made remarkable headway in helping welfare dependents move toward self-sufficiency. It dramatically reduced State welfare caseloads, reduced child poverty, and increased employment. But there is still room for improvement.

It is a misfortune that we had to pass yet another short-term extension that doesn't give States the certainty they need to best plan for the future. We passed this welfare extension because we had to—it bought us another 6 months in the hopes that we can finally act on a broader welfare reform bill in the 109th Congress.

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.

In 2003, I worked tirelessly with my colleagues on the other side of the aisle to produce a comprehensive welfare reform bill that enjoyed substantial Democratic support. Many of the provisions in the bill we should have passed in March reflected the provisions in the 2003 bill. This further underscores my frustration with the Senate Democrats' failure to support a comprehensive reauthorization bill, and in effect, force both bodies to fund welfare programs through a series of short-term extensions, without any further improvements.

Welfare reform has saved taxpayers money, but it has not been free. It will not be free in the future. The welfare reform bill we tried to pass 6 months ago included meaningful reforms and resources needed to help more low-income parents go to work. We understand that parents need to know they have access to quality child care, and the bill included an additional $6 billion—for a total of $7 billion—in child care funding to support the efforts of working families who need help with this essential assistance.

I have seen in my home State of Utah, that many of these parents, hardworking people, young and old, end up finding great self-satisfaction in giving their gift of skill at work, at giving themselves to a task at hand so thoroughly, that they have a meaningful relationship with their work. I think we will all agree that sometimes it isn't easy to dive into your work with enthusiasm. But sometimes this is necessary and appropriate. That is why I would like to talk a little bit about its importance, that work requirements are increased.

The increased work requirements in H.R. 4 would have changed the core work requirement from 20 hours per week to 24 hours per week. Total hours required for a state to receive full credit would have increased from 30 hours per week to 34 hours per week for single-parent families. Now these are sensible, reasonable requirements. Two-parent families would have been required to work 39 hours per week, or 55 hours per week if they received subsidized child care. States would have received partial credit if individuals worked 20 hours per week, and extra credit if they worked more than 34 hours per week. Current law provides full credit only at 30 hours.

Again, I think these modifications could have made real progress. The more a person sets goals and takes responsibility for the career they want, they will better be able to decide if a particular job fits into the scheme of their life. The harder you work, that is the more hours you work, the more you understand why you're working at a particular job and how your hard work is going to benefit you.

Another important provision in H.R. 4 was the establishment of a meaningful State participation rate. For years now, States have had no real Federal requirements to actively recruit adults into industrious work and work related activities. Under H.R. 4, States would have been required to have 70 percent of their caseload involved in approved work activities by 2008. It is important to know that most States currently have less than 50 percent of their caseloads in approved, full-time, work-related activities. Several states are below 25 percent. Requirements would oblige States to significantly ramp up their efforts to engage a much greater number of families in activities that count toward the work participation rate.

Right now, the majority of adults receiving assistance are reporting zero hours of activity. I think it is time we recognize that an effective participation rate, and by the elimination of the caseload reduction credit in the 1996 welfare law, we will encourage people to commit, to careers, to goals, to real recovery. Just half-heartedly trying will not enable a person to succeed, but committing yourself will.

For the sake of the millions of families that remain in the welfare system, we should have been able to come to a final agreement that would have helped Americans achieve independence and a brighter future.

Again, I am very frustrated that we have caved to the passage of another short-term placeholder extension. Unfortunately, the remarkable improvements included in H.R. 4 will remain on hold while we continue to kick the ball down the field.

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

WORLD FOOD DAY

Mr. DURBIN. Mr. President, I rise today to join people from more than 150 nations in celebrating October 16 as World Food Day.

World Food Day brings much-needed attention to hunger and malnutrition around the world. Inadequate nutrition is an unremitting global health threat. Over 840 million people in the world are hungry, including more than 300 million children.

The United Nations Food and Agriculture Organization has worked for 59 years to help both developed and developing nations create their own sustainable food supply.

Because of the organization's achievements, many people who did not know where their next meal would come from can now live healthy and productive lives. Workers from the Food and Agriculture Organization have assisted farmers in Swaziland with growing new crops to combat problems of hypertension and sugar diabetes. They have offered alternatives to more than 2000 poor coca farmers in Bolivia, helping to curb the production of cocaine. Recently, the organization

approved $400,000 in emergency relief funding for Caribbean countries devastated by this year's hurricanes.

The Food and Agriculture Organization is not alone in its effort to fight hunger. Last month, the Senate Hunger Caucus, which I cochair with Senators DOLE, LINCOLN, and SMITH, met with Ambassador George McGovern and the Executive Director of the United Nations World Food Program, Jim Morris, to discuss international hunger. We know it is possible to feed the hungry and improve the lives of millions of impoverished people around the globe. An additional $13 billion each year, for instance, could meet the most basic health and nutritional needs of the world's poorest people. It is a modest amount compared to the 25,000 lives lost to hunger each day.

Several years ago, Ambassador McGovern and the former Senator Bob Dole called for an international school feeding program. They recognized that we can fight hunger among children in the world's poorest countries while also sending them to school. This idea, which became the McGovern-Dole International Food for Education Program, is one of the single best policy ideas I have ever heard. We know that poor children and families often do not have enough food to eat. We also know that poor children are less likely to go to school. But, by providing food as an incentive to attend school, we are able to provide fuel for the bodies and minds of these children.

I am pleased that the Senate Appropriations Committee accepted my request to increase funding for the McGovern-Dole program to $100 million in the fiscal year 2005 Agriculture Appropriations bill. It is a simple step toward ending an epidemic that leaves children with bloated stomachs, emaciated faces, and underdeveloped minds—an image that I will never forget after seeing the devastation first hand in some of these developing nations.

As we celebrate World Food Day and the progress of the Food and Agriculture Organization and other groups on the front lines in the battle against hunger, let us remember the substantial work that remains. I hope this day will spur us on to achieve the vision of a time when abundant food is available to every human being. I look forward to working with other members of the Senate Hunger Caucus toward that goal.

DOMESTIC VIOLENCE AWARENESS MONTH

Ms. MURKOWSKI. Mr. President, October is Domestic Violence Awareness Month and as an Alaskan, I welcome this opportunity to discuss a problem my State has been combating for decades.

In 2002, more women per capita were killed by men they knew in Alaska than in any other State. During the last 5 years, over 18,000 domestic violence charges have been filed in Alaska, and this statistic does not include incidences where a women decided not to press charges. Since 1976, Alaska has ranked in the top five States for the highest rate of rape per 100,000 total inhabitants.

The epidemic domestic violence and sexual assault rates in Alaska constitute a serious public crisis and our State is dedicated to finding solutions for this problem. In the spirit of that commitment, I helped organize a summit with the Department of Justice to discuss the unique challenges that Alaska faces. The summit provided a forum for law enforcement, nonprofit organizations, governmental entities, health personnel and advocates to come together to openly discuss the multiple issues associated with this crisis. The summit covered a wide range of topics, including the role of responders to domestic violence, the best practices to implement in communities and the identification of training needs.

The summit gave different entities the opportunity to convene, collaborate, and openly discuss solutions that will help us prevent domestic violence and sexual assault. The summit was a solid first step in an ongoing effort in our State.

There are no simple solutions to the problem of domestic violence, but we do know that education and programs that take a proactive approach can help turn the tide on this issue. This year I secured several earmarks in the CJS appropriations bill in response to the domestic violence problem that Alaska is facing. Funds will be provided to the State of Alaska for a sexual assault/domestic violence prosecution unit. Funds will also be available for a new domestic violence prevention project to allow for a comprehensive evaluation and assessment of domestic violence cases. Money was also attained to offer services to victims whose lives have been impacted by violent crime.

Addressing the public crisis posed by domestic violence and sexual assault is a two-front effort. On one front, we are working to meet the immediate needs of the victims of these crimes, ensuring they have the resources they need to recover. On the other, we are working on the long term goals of raising awareness and educating the public. Domestic Violence Awareness Month is a vital part of that effort.

In many cases, victims of domestic violence wrongly believe they are responsible for what has happened to them. We must work to alter the social stigma associated with being a victim of domestic violence. That stigma belongs to those who commit crimes, not their victims. By taking care of victims, prosecuting offenders, and educating the public about this issue, I believe we can begin to end a serious problem that has plagued our communities and our citizens for far too long. Many of my colleagues have pledged their support in this effort, and I look forward to working with them on additional solutions to address this problem.

Mr. JOHNSON. Mr. President I rise today to mark the beginning of National Domestic Violence Awareness Month, NDVAM and to acknowledge the tenth anniversary of the Violence Against Women Act, VAWA. NDVAM began in 1987 as a way to draw attention to the problem domestic violence. Seventeen years later, domestic violence is still a blight in our communities. As such, we must do what we can to combat domestic violence. A timely reauthorization of VAWA is a critical step in this effort.

Ratified in 1994 as title IV of the Violent Crime Control and Law Enforcement Act, VAWA established protocol and discretionary grant programs that are managed by the Department of Justice, and the Department of Health and Human Services. As indicated by Congressional Research Service reports, grants administered by DOJ aid law enforcement, establish and operate training programs for victim advocates and counselors, and train probation and parole officers who work with released sex offenders. Grants provided by the HHS fund shelters for battered women, rape prevention programs, and community programs on domestic violence. Grants also provide funding for efforts to reduce sexual abuse of runaway and homeless street youth.

VAWA also finances and annually publishes a series of reports on the methods of assessing and preventing gender-related crimes. The findings of these studies are used to develop existing programs and create new ones in areas that require more attention. As a result, VAWA's efforts have initiated critical changes in Federal laws regarding interstate stalking, intrastate domestic abuse, the rules of evidence concerning the use of a victim's past sexual behavior, and HIV testing in rape cases.

Additionally, VAWA instituted a pilot program for safe custody exchange for families of domestic violence, as well as a domestic violence task force. These initiatives greatly enhance the enforcement of protective orders across state lines. Without VAWA's assistance, battered women who relocate to other states would be extremely vulnerable, as would these States' resources.

Despite the enormous strides the VAWA has made for victims of domestic violence, sexual assault, and stalking, Native American women still experience the highest rate of violence of any group in the United States. This is of particular concern to the Lakota, Nakota, and Dakota tribes located in my home State of South Dakota. A Department of Justice report titled, ''American Indians and Crime,'' found that Native American women suffer from violent crime at a rate three and a half times greater than the national average. Researchers also estimate that this number is actually much

higher, as according to the Department of Justice, over 70 percent of sexual assaults are never reported. Many Native American women remain silent due to cultural barriers, a high level of mistrust for white dominated agencies, and a history of inactivity by state and tribal agencies to prosecute crimes committed against Native Americans.

Furthermore, it is important to address the fact that police and courts tend to ignore cases of violence involving Native American women, due to alleged confusion between Federal and tribal jurisdictions. Cases involving a non-Native American perpetrator and a Native American victim fall under Federal jurisdiction. Tribes do not have criminal jurisdiction over nontribal members even for crimes committed against Native women on the reservation, and regrettably, States are not effective enough in enforcing tribal protection orders. Fortunately, VAWA provides victims with access to critical resources by establishing key grant programs that improve the criminal and civil justice systems' response to victims, as mentioned above. However, even with the best efforts of antiviolence advocates, law enforcement officials and judicial personnel have yet to reach everyone in need of assistance. Despite the successes of VAWA, Native American women are still at greater risk of becoming victims of violence, and the jurisdictional issues they face only further complicate the problem.

On the tenth anniversary of the VAWA, I call on my colleagues to continue supporting this important piece of legislation. Its contributions to society, while unfinished, are essential to combating abuse against women.

NOTICE OF CHANGE IN REGULATIONS REGARDING SENATORIAL SUITE SELECTION

Mr. LOTT. Mr. President, I rise to announce that in accordance with Title V of the Rules of Procedure of the Senate Committee on Rules and Administration, the committee has updated the senate regulations on senatorial suite selection effective October 7, 2004.

Based on the committee's review of the 1992 regulations which allow members up to 24 hours to select a Senatorial office suite, the Committee on Rules and Administration has concluded that its regulations should be updated to facilitate the speedy and smooth transition of assigning Senatorial office space. This update includes changing the allowable time for suite selection from 24 hours to eight hours. The Committee on Rules and Administration has also streamlined the process for the submission of office layout plans to the Architect of the Capitol. The timeframe for submitting such layouts to the Architect of the Capitol has been amended from two weeks to one week.

The amended regulations, as adopted appear below:

COMMITTEE ON RULES AND ADMINISTRATION, UNITED STATES SENATE

REGULATIONS ON SENATORIAL SUITE SELECTION

Adopted by the Committee on Rules and Administration, September 20, 1988, Amended June 17, 1992, Amended October 7, 2004

The following policy will be in effect for suite selection by Senators following the general elections in November:

1. As in the past, seniority will determine the order of selection of suites.

2. Suite selection will begin promptly after the election.

3. The only opportunity for suite selection by each Senator will occur when he or she is contacted by the Rules Committee.

4. Selection will consist of only those suites available at the time of contact by the Rules Committee.

5. Senators shall inform the Rules Committee of the decision on suite selection within 8 business hours (9 a.m.–6 p.m. Monday through Friday) after contact by the Rules Committee. Failure to respond within 8 business hours will be deemed a decision not to move, unless an extension beyond the 8 business hours is approved by the Chairman of the Rules Committee.

6. Senators shall submit an approved office layout to the Office of the Architect of the Capitol within one week after a suite is assigned. (This action is critical because reconfiguration of partitions, telephones, and computer terminals are dependent upon the office layout.)

7. Senators shall be expected to begin moving into the newly-assigned suite not later than two days after notification that the suite is ready for occupancy.

8. In considering whether to move, Senators should take into consideration the following requirements:

a. Modular furniture will not be moved. If a Senator with an office containing modular furniture selects a suite without modular furniture, traditional furniture will be assigned. In cases where modular furniture is in place, changes in suite configurations should be kept to a minimum.

b. A Senator's computer equipment will move to the new suite. The central processing unit will be initially installed in the location where the previous occupant's CPU was located.

c. If a Senator from a ''large'' state elects to move, the extra space due that state may not be contiguous. Committees will not be forced to relocate in order to provide contiguous space. The Rules Committee will seek to locate the extra space in a contiguous area, but it may not be possible with most suite choices. It should also be understood that the Rules Committee will not know where the extra space due a ''large'' state will be located until after all 100 Senators have selected a suite. Then and only then will it be possible for the extra space to be assigned.

9. Senators from California will be assigned the two largest suites in the Hart Building as they become available. The choice between the two suites is to be made by the California Senators. These offices will then be permanently removed from the pool of available suites for assignment.

10. Every effort will be made to expedite moves, including the employment of temporary staff. However, the reconfiguration of partitions, furniture, telephones, and computer terminals requires seven to ten days. It is also desirable to repaint while the suite is vacant.

11. Each Senator (returning and newly-elected) will be informed of this policy immediately after the general election in November.

INTELLECTUAL PROPERTY PROTECTION

Mr. LEAHY. Mr. President, back in June the Senate took a strong step to support intellectual property on the Internet by updating the Government's most important tool in the fight against piracy: its enforcement authority. Unfortunately, the Bush administration, which likes to talk a good game, is apparently not interested in having the tools it needs to do the job. This administration has done nothing, as far as I know, to help enact important intellectual property legislation. As a consequence, congressional Republicans are holding up and resisting important legislation.

The Protecting Intellectual Rights Against Theft and Expropriation Act, S. 2237, allows United States Attorneys' Offices to bring a civil action against a large-scale copyright infringer. For some unimaginable reason, the Justice Department, which cannot issue enough press releases about its newly-minted Intellectual Property Task Force, has taken no interest in or action on this legislation. Apparently, the Ashcroft Justice Department rejects having the law enforcement authority to stop large-scale infringers and protect America's intellectual property from piracy. A Justice Department that has reinterpreted treaties and contorted the law to claim vast and unfettered authorities for this executive has little interest in assembling legislatively enacted tools for copyright protection and to stop piracy.

For a number of reasons having to do with law enforcement priorities, resources and other considerations, prosecutors rarely decide to bring criminal charges even against flagrant infringers. I have encouraged the Department to be more aggressive both internationally and here at home and have praised them when they have acted against infringers. I have worked hard to provide additional resources to our international efforts.

The PIRATE Act is another important effort in this fight. It provides alternative civil enforcement, authority. When a U.S. Attorney's Office sees a need for enforcement, but determines that a criminal case is not justified, the PIRATE Act would afford the Government a civil law route and civil law remedies. There are times when civil proceedings and remedies are more appropriate. Until we enact the PIRATE Act, they are unavailable. Presently, very few criminal cases are brought and no civil cases can be brought by the Government for these violations of Federal law. When you consider that the copyright industry employs over 11 million people in the United States, hamstringing the Federal Government by limiting it to criminal enforcement is unthinkable.

The Justice Department has appropriately refocused many resources of the FBI and the Criminal Division on preventing and investigating terrorism cases, leaving even fewer resources for protecting the intellectual property that is such a critical economic engine in this country. The PIRATE Act will enable other resources, outside the Criminal Division of the Justice Department and U.S. Attorney's Offices, to help protect intellectual property. This bill removes legal obstacles to the Justice Department's effective use of the resources it has at its disposal to fight piracy. The Attorney General should be fighting for this initiative. Unfortunately, the Bush administration and its Attorney General are missing in action.

The logic of the PIRATE Act and the reasoned approach it takes to Government enforcement of intellectual property rights is compelling. Consider that during this divisive session of Congress in which partisanship was pervasive, the Senate Judiciary Committee and the Senate passed the PIRATE Act without a single dissenting voice.

I urge the Bush administration to get with the program. If you want to talk the talk and pretend to support the protection of intellectual property rights, then walk the walk and work to clear the Republican opposition so that Congress can enact the PIRATE Act. Then use that authority as appropriate to help end the theft of intellectual property that is an enormous drag on our economy and so unfair to the artists who created the works by which others illegally profit.

The Ashcroft Justice Department issued a veto threat to the SAFE Act before a single hearing and before any markup of that legislative proposal. The PIRATE Act has passed the Senate and we still await the first word from the Justice Department providing its views on this legislation. The lack of support for enactment of civil enforcement tools by the Department of Justice is most revealing.

NOMINATION OF DR. FRANCIS JOSEPH HARVEY TO BE SECRETARY OF THE ARMY

Mr. SPECTER. Mr. President, I have sought recognition to recommend that Francis Joseph Harvey, of California, confirmed to be Secretary of the Army. I met with Secretary Harvey on October 5, 2004 in my office. I found Secretary Harvey to be not only very well qualified, but also to have a great deal of enthusiasm for the task ahead. I was particularly impressed with Secretary Harvey's background. He was born and educated in Pennsylvania. His mother still resides in Latrobe, PA.

Mr. Harvey is currently serving as Assistant Secretary of Defense for Networks and Information Integration. Prior to his nomination by the Army, he served as vice chairman of Duratek, Inc. in Columbia, MD, and has served as the chief operating officer of the Industries and Technology Group for Westinghouse Electric Corporation where he earlier served as president of the Electronic Systems Group and as president of the Government and Environmental Service Company. Dr. Harvey earned his bachelor's degree from the University of Notre Dam and his Ph.D. from the University of Pennsylvania.

Pennsylvania has a rich Army tradition. Pennsylavnia is home to several bases, and the Army War College and Military History Institute at Carlisle Barracks.

If confirmed, Secretary Harvey will no doubt apply his expertise, energy, and enthusiasm to serve the soldiers of the United States Army and our country with distinction.

SATELLITE HOME VIEWER ACT

Mr. LEAHY. Mr. President, I am very upset that the Congress has been unable to pass legislation to prevent the termination of satellite television service to hundreds of thousands households in the United States. In September, I raised these concerns on the Senate floor in the hope of preventing these potential terminations of satellite service. The Senate Judiciary Committee got its job done in June. We reported out a great satellite television bill which would have expanded viewing options for satellite dish owners. The other body has also developed a very good satellite bill which I shall discuss in a moment.

However, history may repeat itself because Congress has not completed action on this legislation. I explained my concerns on the Senate floor when I reminded everyone that in ''1998 and 1999 over 2 million families were faced with the prospect of losing the ability to receive one or more of their satellite televisions network stations.''

These terminations of satellite service will begin just after midnight on December 31, 2004. The problem is that the Congress will be out of session during most of the time between now and that termination date. If we are in session for a small portion of that time, it will most likely be during a lame duck session of Congress after the November elections. There will be very little time to enact this satellite bill with the huge press of business yet to be completed.

Many Midwestern and Rocky Mountain states have vast areas where satellite dish owners receive network stations, such as ABC, NBC, CBS or Fox, from out-of-state stations because signals from their local stations are blocked by mountains or diminished by distance from TV broadcast towers. Thousands of these families do not have any other way to receive television signals except by satellite. They do not have access to TV stations over-the-air because mountain terrain blocks those signals, and distance from the broadcast towers weakens the signals. Many residents in those states do not have access to cable TV service because of the rough terrain or the low population density which makes it economically difficult for cable companies to invest in the needed cables. Without access to network stations via satellite because the satellite legislation did not pass, and because they do not receive service over-the-air, or via cable, thousands of families in those areas will lose national network service.

Since information about subscribers is proprietary it is difficult for me to tell you exactly how many families will be affected by this, but I assure you it is not a small number.

The Hatch-Leahy Satellite Home Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee in June. All the Members of the Judiciary Committee supported that bill. Similar legislation in the other body entitled the Satellite Home Viewer Extension and Reauthorization Act of 2004, if enacted, would also be a boon to public television, the satellite industry, the movie, music and television industries, and to satellite dish owners throughout America. Unfortunately, the time is rapidly approaching when it will be too late to act.

I am especially pleased that both the Senate and the House, H.R. 4518, bills contain a provision which I worked on with my colleagues from New Hampshire, Senator SUNUNU and Senator GREGG. We, along with Senator JEFFORDS, introduced legislation to ensure that satellite dish owners in every county in each of our States would be able to receive signals, via satellite, from our respective in-State television stations. While our two States represent a small television market as compared to some of the major population centers, this provision is nonetheless very important to residents in six of our collective counties two in Vermont and four counties in New Hampshire. The Senate bill, S. 2013, as reported in June by the Judiciary Committee also contains this provision, which was just included in H.R. 4518, the House bill.

In Vermont this will mean if one of these bills passes—that satellite dish owners in Bennington and Windham Counties will be able to receive all Vermont network stations in addition to the out-of-State network stations they now receive.

The Senate bill was introduced on January 21, 2004, by Chairman HATCH and was cosponsored by myself and Senators DEWINE and KOHL. When the bill was reported out of committee on June 17, 2004, I noted that the bill does far more than just protect satellite dish owners from losing signals. I pointed out that the new satellite bill ''protects subscribers in every state, expands viewing choices for most dish owners, promotes access to local programming, and increases direct, head-to-head, competition between cable and satellite providers.''

I continued by saying that, ''easily, this bill will benefit 21 million satellite television dish owners throughout the Nation, and I am happy to note that over 85,000 of those subscribers are in Vermont.''

The Senate Judiciary Committee-reported bill, and the recently passed bill H.R. 4518, go far beyond protecting what current subscribers receive. As I mentioned in a September statement on the Senate floor, the bills allow additional programming via satellite through adoption of the so-call ''significantly viewed'' test now used for cable, but not satellite subscribers. That test means that, in general, if a person in a cable service area that historically received over-the-air TV reception from ''nearby'' stations outside that area, those cable operators could offer those station signals in that person's cable service area. In other words, if you were in an area in which most families in the past had received TV signals using a regular rooftop antenna, then you could be offered that same signal TV via cable. By having similar rules, satellite carriers will be able to directly compete with cable providers who already operate under the significantly viewed test. This gives home dish owners more choices of programming.

In the past, Congress got the job done. Congress worked together in 1998 and 1999 when we developed a major satellite law that transformed the industry by allowing local television stations to be carried by satellite and beamed back down to the local communities served by those stations. This marked the first time that thousands of TV owners were able to get the full complement of local network stations. In 1997 we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

Because of those efforts, in Vermont and most other States, dish owners are able to watch their local stations instead of getting signals from distant stations. Such a service allows television watchers to be more easily connected to their communities as well as providing access to necessary emergency signals, news and broadcasts.

Mr. President, I hope we are able to work together to finish this important satellite television bill in the few remaining days of this Congress.

AUTHORIZATION FOR LIHEAP

Mr. FEINGOLD. Mr. President, as the Nation faces crude oil prices of over $53 per barrel, the Federal Government must commit to helping families fight high home heating oil costs. This week, the Milwaukee Journal Sentinel projected that home heating oil costs will increase by 18 percent this winter. Despite the higher energy costs consumers will face this winter, States are reducing benefit levels in order to try to serve an increased number of households. Congress must act now to help low-income families and the elderly pay for high home heating costs.

To combat these high prices, I urge my colleagues to support a bill introduced today by the Senator from Vermont, Mr. JEFFORDS, to extend and increase the authorization of the Low Income Home Energy Assistance Program, LIHEAP. LIHEAP provides a vital safety net for our Nation's low-income households, who spend approximately 17 percent of their annual income on residential energy costs. Last winter, my home State of Wisconsin received more than $40 million in Low Income Energy Assistance and the program served over 112,656 Wisconsin households. I strongly support extending the LIHEAP program and efforts to increase the authorization to $3.4 billion each year to ensure that low-income families and the elderly have this crucial support to heat their homes. I urge my colleagues to support and pass this important legislation as soon as possible.

SUPPORT OF ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. DORGAN. Mr. President, I rise to thank members of the Defense Authorization Committee for addressing the Energy Savings Performance Contract, ESPC, program. Not only did the conference adopt the Senate position on the importance of this program, they went a step further and extended the program through 2006. Getting this reauthorization has been a long process and unfortunately one that will need to be revisited during the next Congress. We could have avoided this situation by simply providing a permanent authorization for the program, but since we didn't, I believe we should focus on this issue at the beginning of the next Congress instead of waiting until the contracting authority runs out in 2006.

I want to take a moment of the Senate's time to explain to my colleagues the importance of energy savings performance contracts. Energy Savings Performance Contracts allow Federal agencies to enter into unique contracts through which private companies provide energy-efficiency improvements in Federal buildings. What makes these contracts unique is that the private companies are reimbursed for these improvements only through the resulting stream of savings on that Federal agency's energy bill. Simply put, if there are no savings, then there are no payments. The Federal Government owns the energy efficiency improvements, but pays for these improvements through actual energy savings achieved. The Government retains the monetary value equivalent of any savings that exceed the payments to the private company during the duration of the contract and then retains all energy savings once the contract is complete. Importantly, the Federal agency pays no upfront capital costs for the upgrade.

The authority to enter into these contracts expired last year. To ensure continuation of the program, several of us in the Senate worked to include renewal authority in the comprehensive energy bill. Unfortunately, that extension authority was removed from the modified version of the energy legislation introduced by the majority leader. One of the main reasons for this deletion was because the CBO has assigned a significant revenue impact to continuation of the program. This scoring occurred even though the private sector energy efficiency providers are required by law to guarantee the energy savings and thus provide no net cost to the Treasury. Let me say this again, unless there are savings, the Government owes nothing. CBO's interpretation of how to score these contracts may be in line with the literal meaning of the Budget Act, but it certainly is not in line with the spirit of the act. By allowing these private sector companies to work with the Federal Government on installing energy efficiency measures, an enormous service is being provided. We are saving energy; the Government is not required to pay up front costs; and at the end of the day, the Government and the American taxpayer gets the benefit of lower energy bills.

With passage of this short-term extension, the Senate must now turn its attention to passing a permanent extension. The start-stop program we have now is not conducive to getting these efficiency measures installed. During debate on the fiscal year 2005 budget resolution over 40 companies and associations signed a letter in support of the ESPC program. The signatures ranged from USPIRG to the Chamber of Commerce. There are not many instances when you have those two associations agreeing on a measure, so I believe the benefits of the program speak for itself.

In closing, I want to again thank members of the conference committee

for their work and support for this program.

COLONEL ROBERT MORGAN

Mrs. DOLE. Mr. President, I would like to reflect for a moment and explain why we should take a moment to honor Colonel Robert Morgan, a man of distinguished valor. Not only was he part of our Greatest Generation, he was a true hero, aptly defined as one who inspires through manners and actions, who leads through personal example and accomplishments requiring bravery, skill, and determination. As commander of the famed Memphis Belle during World War II, and at a time when German anti-aircraft fire brought down 8 in 10 bombers, Colonel Morgan repeatedly risked everything for his country. In this extremely dangerous environment he piloted the first heavy bomber to complete 25 combat missions in the European Theater, an unprecedented achievement and the magic number to be sent home. Colonel Morgan's exceptional courage did not end in the European Theater. He continued his valiant service to his country in the Pacific Theater and again made history when his B–29 named ''Dauntless Dotty'' was chosen to lead the first B–29 raid on Tokyo. A native of Asheville, North Carolina, Colonel Morgan represented the American Spirit—courage in the face of seemingly insurmountable odds.

BUSH IRAQ POLICY

Mr. LEAHY. Mr. President, I have seen the television reports and the newspaper articles, and I have spoken with people who recently returned from Iraq. I have seen the escalating violence and the chaos that has engulfed parts of that country.

And like all Americans I have watched the death toll of our young men and women in uniform pass 1000. It is now more than 1050, with many thousands more who have been grievously wounded.

Yet to hear the President and Vice President talk, one would think that everything is going well. The President uses words like ''freedom is winning'' and ''we're making steady progress.''

There is no question that all of us here wish that were true, but unfortunately the rosy picture that the President paints on the campaign trail is misleading and wildly off base.

Even worse, the President's statements are contradicted by knowledgeable officials in his Administration, by leading Republicans in the Senate, and by a growing number of national security experts within his own administration.

Here are a few examples: Secretary of State Powell said that the situation in Iraq is ''getting worse.'' General Abizaid, the top U.S. military commander in Iraq, said ''[w]e're going to have to fight our way all the way through elections,'' he said, ''and there'll be a lot of violence between now and then.'' Senator Hagel said ''The fact is, we're in trouble. We're in deep trouble in Iraq.'' And, according to a recent article in the Washington Post, a lengthening list of career military, intelligence and State Department officials believe that Iraq is a mess and things are getting even worse, raising the specter of civil war.

Faced with mounting evidence that things are going from bad to worse in Iraq, what does the President do?

First, he attacks the messenger of the bad news by calling the National Intelligence Estimate ''just guessing.'' Next, he ignores the problem by repeating the same old platitudes and wildly-optimistic rhetoric. Then he and his political allies accuse those who dare to disagree of giving aid and comfort to the terrorists. When all else fails, the President engages in a time-honored tradition here in Washington: He changes the subject and deflects attention.

This President and Vice-President are masters at changing the subject. They have attacked John Kerry's distinguished military record, even though neither of them saw combat and many others in the administration used family connections or deferments to avoid military service altogether. In fact, when asked about serving in Vietnam Vice President CHENEY said that he ''had other priorities in the military service.''

Imagine what the President's campaign would be saying if JOHN KERRY had said that.

Why do the President and Vice-President constantly change the subject when asked to explain why things are going so badly in Iraq? The answer is simple. They have been consistently wrong about Iraq, and the results speak for themselves.

The President was wrong about weapons of mass destruction, which cut short the U.N. weapons inspections and got us into Iraq in the first place. The Duelfer report found that Iraq got rid of its weapons of mass destruction more than a decade ago, that Saddam Hussein did not have the means to develop a nuclear weapon, and that the U.N. inspections were working. Yet the White House insists that this devastating report by its own export somehow supports the President's decision to go to war.

The Vice President was wrong about our being greeted as liberators. Think about that statement, and compare it to the daily—actually, hourly—attacks against our troops in Iraq today.

The President was wrong about ''mission accomplished.'' More than 900 Americans have died since that famous photo op on the aircraft carrier.

The President was not only wrong, but it is hard to imagine what he was thinking, when he told the insurgents in Iraq to ''bring it on.''

The President was wrong about Iraqi oil revenues paying for the reconstruction. It is American taxpayers who are paying most of the costs.

And the President acts as if everything is on track for Iraqi elections in January even as the insurgency grows steadily worse and Secretary Rumsfeld is talking about holding elections in only parts of the country.

Despite being consistently wrong, the President's strategy stays the same—put the best face on it, insist that everything is going according to plan even though there is no plan, and attack the patriotism of anyone who dares to question or to criticize.

They have tried to keep the media from publishing photographs of the planeloads of flag-draped coffins of Americans who have died in Iraq.

They rarely even mention the casualties—American or Iraqi—since that, of course, would mean having to acknowledge the terrible price that is being paid day after day.

They treated the Abu Ghraib prison scandal as an aberration—the work of a few rogue recruits.

They have done their best to hide the policies to subvert the law that were approved at the highest levels of government, and the fact that Abu Ghraib was only one of several locations where foreign prisoners were humiliated, tortured, denied the most basic human rights, and even murdered.

They shut down distribution of a key security report, issued daily by a U.S. contractor—which U.S. personnel in Iraq have relied on for their own safety—because the news of escalating violence in these reports did not square with the spin being put out by the Pentagon and the White House.

Just as the President ignored those who predicted the widening anti-American insurgency, he has sugar-coated the rebuilding of Iraq.

A year ago, he asked the Congress to appropriate $19 billion immediately, in fact so immediately that he resisted every amendment designed to ensure the aid dollars would be well spent.

The President opposed my amendment to put Secretary Powell in charge of the reconstruction in Iraq, causing the Department of Defense to run the biggest nation-building venture since the Marshall Plan. And they bungled it miserably.

The President opposed an amendment that would have at least required that the aid be paid for out of the President's tax cuts for the wealthiest Americans—not left for our children and grandchildren.

The President opposed an amendment that would have created tough criminal penalties for war profiteering in Iraq.

The President refused to consider any alternative approaches. His attitude was ''my way or the highway.'' And look at what a mess it has gotten us into. It has been nearly a year since the Iraq supplemental was signed into law, and only $1 billion of the $19 billion has been spent.

Of those funds, it is estimated that only 27 cents of every dollar has gone to benefit the Iraqi people. The rest has

ended up in the pockets of high-priced contractors and consultants, and to pay for insurance and security and other overhead costs.

There are serious consequences resulting from this administration's handling of the chaos in Iraq. One, which all Senators are increasingly hearing about from our constituents, is the possibility of a return to the draft. If Iraq continues on its downward spiral, there is growing concern that it may be necessary at some point to reinstate military conscription. I oppose returning to a military draft, I do not believe it is necessary, and I believe it would lessen our military effectiveness.

Yet the President needs to acknowledge to the American people that our entire military forces, including the active Army, the Reserves, and the National Guard, are stretched very thin right now because of the choices the President has made. The military is finding it difficult to get new recruits and has resorted to a backdoor draft, forcing personnel to remain in the service through so-called stop-loss orders.

The Pentagon at some point might decide that the only way to find new recruits—unless we pursue more sensible policies—would be through a draft. I sincerely hope not. This is only one of the many examples of the life-and-death choices that the Nation faces in prudently allocating our resources to combat terrorism.

A lot has been said about President Bush's consistency. His campaign advertisements boast that he is a strong leader because he 'says what he means and he does what he says.'

What good is consistency when it means sending 140,000 Americans into a guerrilla war in a foreign land fueled by religious and ethnic hatred, without justification?

What good is consistency when it means spending upwards of $200 billion on a policy that has not made us any safer, and that has turned Iraq into a haven for terrorists eager to kill Americans who they see as foreign invaders out to destroy Islam itself?

What good is consistency when it squanders the good will that we need to effectively fight terrorism, to build a real coalition so the United States is not paying 90 percent of the cost and suffering 90 percent of the casualties?

What good is consistency, when all it really amounts to is hollow rhetoric that bears no relationship to the facts?

The President and Vice-President have been consistent alright—consistently wrong. There is no value in that.

The President and Vice President constantly assert that we need to 'stay the course.' My answer to that is that if you are captain of the ship and you are heading for an iceberg, you change course. You want to get to the same destination, but you do not want to plow into the iceberg to get there.

It is this President's rigid adherence to a misguided ideology that has gotten us into deep, deep trouble in Iraq.

The American people deserve better. They deserve competence and they deserve honesty. They deserve leaders who know the difference between a political decision, and the right decision.

AEROSPACE MANUFACTURING

Mr. SMITH. Mr. President, I rise today to speak about a troubling dispute between two great partners in trade. Boeing Commercial Airplances, a pioneer and mainstay in American aerospace manufacturing since 1917, is being injured by subsidies that European governments are providing to its main competitor, Airbus.

More than 30 years ago, Airbus was created by the governments of Germany, France, the United Kingdom, and Spain with the goal of building a competitive airplane manufacturer for the European Continent. To help encourage growth by their new company, these governments began giving Airbus large amounts of money with very liberal terms. These subsidies included infrastructure loans, loss coverage, debt forgiveness, money for research and development, equity infusion, and launch aid.

These subsidies have allowed Airbus to develop and market a full range of aircraft without incurring full commercial risk. The launch aid assistance alone, which is essentially no-fault borrowing, has amounted to over $15 billion and allowed Airbus to undercut the marketplace with lower prices. In fact, if Airbus had borrowed this money at standard commercial rates, it is estimated that they would have to incur an additional $35 billion on their books today.

While subsidies of this sort might be acceptable for a company in its infancy, Airbus has long since grown into a robust and mature competitor. Airbus today competes in every single airplane market over 100 seats and is now jointly owned by the European Aeronautic Defense and Space—EADS—Company and BAE Systems, the world's second- and fourth-largest aerospace companies respectively. Combined, these two defense companies are actually larger than Boeing. In fact, last year, for the first time, Airbus surpassed Boeing in annual aircraft deliveries. Yet, they continue to receive large government subsidies.

As much as these subsidies have helped Airbus, they have harmed Boeing. Boeing's global market share, based on deliveries, fell from nearly 67 percent in 1999 to 48 percent in 2003. In the past 5 years, Boeing Commercial Airplanes has reduced employment from 115,880 to 54,880—that is 61,000 workers who have lost some of the highest quality and highest paying manufacturing jobs in the Nation. The aerospace industry is one of the most competitive sectors of our economy, and it is the single largest positive contributor to the U.S. manufacturing trade balance.

The facts are simple. Airbus is a mature company with a full family of airplances that can no longer justify these subsidies, and the obvious damage to Boeing must be addressed and resolved.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Mr. DURBIN. Mr. President, the 9/11 Commission recognized that one of the biggest challenges we face in fighting the war on terrorism is protecting civil liberties. The Commission said, ''While protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.''

To help keep this balance right, the Commission wisely recommended the creation of a board to ensure that the Government does not violate privacy or civil liberties. Following this recommendation, the National Intelligence Reform Act of 2004 establishes the Privacy and Civil Liberties Oversight Board. I want to commend Senator COLLINS and Senator LIEBERMAN for recognizing the importance of this issue.

The 9/11 Commission has endorsed the Collins-Lieberman Board. Commissioners Slade Gorton and Richard Ben-Veniste told the House Government Reform Committee: ''A Board of the kind we recommend can be found in the Collins-Lieberman bill in the Senate.''

Some have claimed that establishing this board will tilt the balance between security and liberty too far in favor of liberty. I disagree. As the 9/11 Commission said, ''The choice between security and liberty is a false choice.'' We can be both safe and free.

Throughout American history, in times of war, we have sacrificed liberty in the name of security. Now, we are being tested again. The creation of the Privacy and Civil Liberties Oversight Board sends a clear message: This time will be different. We will protect the lives of the American people, but we will also protect their liberty.

The board created by the Collins-Lieberman resolution is a vast improvement over the President's Board on Safeguarding Americans' Civil Liberties, which the President recently created by Executive order.

The President's board is chaired by the Deputy Attorney General and its members will all be high-ranking Government officials, the vast majority of them political appointees.

This board will not be independent because its members are precisely those officials who need independent civil liberties advice. This is like letting a baseball player call his own balls and strikes.

I asked Commission Chair Tom Kean about this. He said that, in the Commission's view, the civil liberties board should have independent members from outside the Government who can provide a ''disinterested perspective.''

The Collins-Lieberman Board will provide that ''disinterested perspective.'' The board will be appointed by

the President from outside the Government and by the Senate.

The board will have the authority to obtain the information they need to determine whether the Government is violating civil liberties. If someone outside the Government refuses to provide this information, the board would have the power to issue a subpoena to obtain it.

This is common sense. An investigative body must have the power to get the information it needs to conduct an investigation.

It is also common. Countless Federal commissions and boards have subpoena authority. I will name just a few: The National Labor Relations Board, the Equal Employment Opportunity Commission, the Federal Trade Commission, and the Federal Energy Regulatory Commission. The Privacy and Civil Liberties Oversight Board, which has such an important role, should have the same power that so many other Government boards and commissions have.

The Privacy and Civil Liberties Oversight Board will be required to share information about its work with the public. This is a good thing. There should be transparency in Government. The American people have a right to know what their Government is doing.

As Commissioners Gorton and Ben-Veniste told the House Government Reform Committee, ''Such a Board should be transparent, making regular reports to Congress and the American public.''

Of course, at the same time, we have to protect national security. This bill does that. It requires that information will only be shared with the public, and I quote, ''in a manner consistent with the protection of classified information and applicable law.''

I want to thank Senator COLLINS and Senator LIEBERMAN for working with me on the structure of the Privacy and Civil Liberties Oversight Board. I offered several amendments to strengthen the Board. Senator COLLINS and Senator LIEBERMAN accepted these amendments, and I thank them for that.

As a result of these amendments: the chairman of the board and the board's executive director will now be full-time. It would very difficult for a part-time Board to function effectively.

Terms for board members will be fixed at 6 years so the President will not be able to fire board members who provide advice the White House doesn't like.

Board members will be required to have expertise in civil liberties and privacy issues.

No more than three of the five board members will be from the same political party, which will ensure the board is bipartisan and independent.

The board will be able to meet upon the call the majority of the board and a majority of the board will constitute a quorum. This will protect the board from being dominated by a chair who is too close to the President.

Board members will be required to testify before Congress if called to do so. This will prevent any administration from trying to shield the disclosure of information by claiming executive privilege for the board.

The board will be required to file semiannual unclassified reports with the appropriate Congressional committees. Therefore, Congress will be fully informed on the board's important work.

In reviewing a government power, the board will be required to consider whether the need for such power is balanced with the need to protect privacy and civil liberties; whether there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and whether there are adequate guidelines and oversight to properly confine its use.

This standard of review will provide the board to follow guidelines recommended by the 9/11 Commission as it reviews government power. As the 9/11 Commission said, the board should ''ensure that liberty concerns are appropriately considered,'' and ''the burden of proof for retaining a particular governmental power should be on the executive.''

These changes will make a strong board even stronger. The Privacy and Civil Liberties Oversight Board will ensure that, as we fight the war on terrorism, we will respect the precious liberties that are the foundation of our society.

COMMENDING DR. JIM MARKS

Mr. BROWNBACK. Mr. President, I would like to make a few remarks commending Dr. Jim Marks, who will be leaving the Department of Health and Human Services in December.

Dr. Marks has directed the National Center for Chronic Disease Prevention and Health Promotion within the Centers for Disease Control and Prevention since 1995. During Dr. Marks' tenure, the CDC has had a significant impact on the lives of all Americans through programs to prevent and promote cancer's earliest detection. Under Dr. Marks' direction and with the support of Congress, the Division of Cancer Prevention and Control has grown from approximately $123 million to over $313 million. This growth has afforded CDC the ability to provide national leadership in the cancer prevention and control. Dr. Marks was instrumental in leading efforts to partner with States, territories, tribal organizations as well as national, State and local partners to monitor cancer trends; conduct research and evaluate cancer prevention and control activities; apply scientific advances and develop strong cancer control programs; and to educate public health professionals and the public about cancer prevention and control.

Some specific accomplishments during Dr. Marks' tenure include: the total number of woman ever served by the National Breast and Cervical Cancer Early Detection Program NBCCEDP, reached 1.9 million in 2003. Under Dr. Marks' guidance, the NBCCEDP has helped uninsured and underinsured women gain access to lifesaving screening and diagnostic testing programs for the early detection of breast and cervical cancer. To date, the program has: provided over 4.6 million screening examinations; diagnosed 17,009 breast cancers; 61,474 precancerous cervical lesions; and 1,157 cervical cancers.

Expansion of the National Program of Cancer Registries (NPCR) to cover 96 percent of the Nation's population. The cancer information gathered by the NPCR serve a key role in determining cancer patterns among various populations; monitoring cancer trends over time; guiding State planning and evaluation of cancer control programs; assisting States in setting priorities for the allocation of resources; and, advancing clinical, epidemiologic, and health services research. The data gathered through the NPCR coupled with information from the National Cancer Institute and the North American Association of Central Cancer Registries was combined to produce official Federal statistics on cancer incidence in the report entitled, U.S. Cancer Statistics: 2000 Incidence.

Development and expansion of the National Comprehensive Cancer Control Program to 61 programs in States, territories and tribes. CDC support permits the respective health agencies to establish broad-based Comprehensive Cancer Control, CCC, coalitions, assess the burden of cancer, determine priorities for cancer prevention and control, and develop and implement CCC plans.

Development of A National Action Plan or Cancer Survivorship: Advancing Public Health Strategies, 2003 in collaboration with the Lance Armstrong Foundation and national experts in cancer survivorship and public health. The action plan charts a course for how the public health community can more effectively and comprehensively address cancer survivorship and focus on improving the quality of life for survivors.

Dr. Marks' leadership and direction in CDC's cancer control and prevention efforts helped Americans lead more productive and healthier lives.

TAIWAN'S NATIONAL DAY

Mr. SMITH. Mr. President, I rise today to pay tribute to the President and the people of Taiwan on the occasion of Taiwan's National Day on October 10.

Despite the lack of formal diplomatic relations between the United States and Taiwan over the last 25 years, the relationship between the two countries has continued to flourish in terms of economics, politics, security, culture and education, science and technology, and human rights. Most important, we share with Taiwan the core values of

democracy and freedom. In the past two decades, Taiwan has truly emerged as a model democracy. Taiwan's economy currently ranks as the 16th largest in the world. As Secretary of State Colin Powell stated, ''Taiwan has become a resilient economy, a vibrant democracy and a generous contributor to the international community.'' I hope that we will continue to help Taiwan proceed on the path toward further democratization and peaceful relations with its neighbors.

The President of Taiwan, Chen Shuibian, is a dedicated and strong leader for the people of Taiwan. In his May 20 inaugural address to his people, he reiterated his commitment to maintaining peace and stability in the Taiwan Strait, which is vital to the political development and economic prosperity in the Asia-Pacific region as a whole.

In closing, I wish to congratulate President Chen, the Taiwan Ambassador, Dr. David Lee, and the people of Taiwan on their National Day and wish them every success in the years to come.

DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS

Mr. DURBIN. Mr. President, I rise to speak about, section 514 of the National Intelligence Reform Act of 2004 which deals with the detention and humane treatment of captured terrorists.

Section 514 was added to the bill as a result of an amendment offered by Senator MCCAIN and Senator LIEBERMAN. I commend them for their leadership on this issue, which is so important to our country, and to our ability to fight an effective war on terrorism.

The 9/11 Commission correctly concluded that the Iraqi prisoner abuse scandal has negatively affected our ability to combat the terrorist threat. The Commission wrote, ''Allegations that the United States abused prisoners in its custody make it harder to build the diplomatic, political, and military alliances the government will need [to fight the war on terrorism].''

As a result, the Commission recommended, ''The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists.'' In order to develop a coalition policy on the humane treatment of captured terrorists, the U.S. government must have its own policy that ensures the humane treatment of captured terrorists. That is what section 514 would require.

It will reaffirm a very important, long-standing position of our Nation: that the United States will not engage in torture or cruel, inhuman or degrading treatment. This is a standard that is embodied in the U.S. Constitution and in numerous international agreements which the United States has ratified.

Section 514 will require the Defense Secretary and the National Intelligence Director, NID, issue policies to ensure compliance with this standard and to provide these policies to Congress.

The Defense Secretary and the NID will also be required to report to Congress on any suspected violations of the prohibition on torture or cruel, inhuman or degrading treatment.

Section 514 specifically provides that this information should be provided to Congress only in a manner and form that would protect national security.

Section 514 is very similar to an amendment that I offered to this year's Defense Authorization bill. My amendment, which was cosponsored by Senators MCCAIN, LEVIN, SPECTER, FEINSTEIN, LEAHY, and KENNEDY, was adopted by the Senate by a unanimous voice vote.

When I offered this amendment, it was supported by a broad coalition of organizations and individuals, including human rights organizations like Human Rights Watch, religious institutions like the Catholic Church and the Episcopal Church, and military officers.

Retired RADM John Hutson was the Judge Advocate General, the top lawyer in the Navy. In a letter in support of the amendment, he wrote:

> It is absolutely necessary that the United States maintain the high ground in this area and that Congress take a firm stand on the issue. . . . It is critical that we remain steadfast in our absolute opposition to torture and [cruel, inhuman or degrading treatment].

Former Republican Congressman Pete Peterson, who was a POW in Vietnam for 6½ years, wrote in support of the amendment:

> From my 6½ years of captivity in Vietnam, I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival . . . This is one reason the United States has led the world in upholding treaties governing the status and care of enemy prisoners: because these standards also protect us . . . We need absolute clarity that America will continue to set the gold standard in the treatment of prisoners in wartime.

As we fight the war on terrorism, we must adhere to the ideals that made our country great. Torture is inconsistent with the principles of liberty and the rule of law that underpin our Constitution.

Any erosion in these standards would endanger American servicemen and women who might be captured by our adversaries. It would also create anti-American sentiment at a time when we need the support and assistance of other countries in the war on terrorism.

The U.S. Army fully recognizes these practical downsides. The Army Field Manual on Intelligence Interrogation states:

> Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.

As the great American patriot Thomas Paine said: ''He that would make his own liberty secure must guard even his enemy from oppression.''

CALIFORNIA DESERT PROTECTION ACT

Mrs. FEINSTEIN. Mr. President, ten years ago this fall, President Bill Clinton signed the California Desert Protection Act into law, preserving 7.7 million acres of stunning landscape for generations to come.

With the passage of this legislation, the largest parks and wilderness bill to impact the lower 48 States was enacted, thereby establishing Joshua Tree National Park, Death Valley National Park and the Mojave National Preserve.

Protecting these beautiful lands stands as one of my proudest legislative accomplishments to this day.

The California Desert is home to remarkable archaeology, beauty and wildlife—some of the last remaining dinosaur tracks, Native American petroglyphs, abundant spring wildflowers, and threatened species including the bighorn sheep and the desert tortoise, an animal known to live for as many as 100 years.

And each of the parks created by the act has its own unique beauty. Joshua Tree, encompassing parts of both the Mojave Desert and the Colorado Desert, contains magnificent rock formations and forests which blanket the high country throughout the park. The abundant yellow creosote bushes of the eastern side of the park are mirrored by the rugged Joshua Trees to the west.

The Death Valley landscape, marked by a diverse range of salt playas, alpine forests, and jagged rocks, is a land of extremes—one of the hottest, driest, and lowest places on Earth. At Dante's View, a visitor may look down into Badwater, the lowest place in the western hemisphere and, on a clear day, look west to Mt. Whitney, the highest point in the lower 48 States.

Mojave National Preserve, with its granite, limestone, and metamorphic rocks, has a remarkable geological diversity, as well as the largest Joshua Tree forest in the world. Many of the preserve's peaks are a vivid pink at the top, the result of a volcanic explosion more than 18 million years ago in Arizona that sent deposits flying through the air and flowing across the land to the Mojave Desert.

The California Desert Protection Act ensured that these lands would be preserved for years to come. In total, the act raised the protection level for 9 million acres of parks and wilderness.

Since 2000 the wilderness area has been expanded even further with the purchase of nearly 600,000 acres of land primarily in and around the Mojave National Preserve. The transaction, the largest conservation acquisition of private lands in U.S. history, combined Federal Land and Water Conservation

Fund appropriations with funding from the Wildlands Conservancy to buy discounted land owned by the Catellus Development Corporation.

This expansion protected 200,000 acres of critical habitat for the endangered desert tortoise, 150,000 acres for bighorn sheep, the largest cactus gardens in the world at Bigelow Cholla Gardens and rights-of-way for 165 trails and access roads leading to 3.7 million additional acres of land used for hunting, hiking and camping.

Visitors have taken advantage of these abundant recreation and research opportunities in the California Desert. Last year, 2.8 million people traveled to Joshua Tree and Death Valley national parks and the Mojave National Preserve. In turn, these visitors provided an economic boost of approximately $100 million at nearby hotels, restaurants, and other local businesses.

Now, as we celebrate the 10-year anniversary of the California Desert Protection Act, the preservation of our national park system has never been more important. Population growth, especially in the western United States, is placing increased pressure on our public lands. That is why it was so critical that we acted 10 years ago and why it is urgent that we continue to preserve our Nation's natural treasures today.

Unfortunately, there is much evidence that our national parks are not receiving the funding or attention they deserve. A recent survey of 12 national parks by the Coalition of Concerned National Park Service Retirees found that six parks had either reduced or planned to reduce visitor center hours or days of operation. The survey also found that all twelve parks had recently cut full-time or seasonal staff positions.

One of the parks surveyed, Death Valley, reduced its law enforcement positions from 23 several years ago to 15 at the time of the study. More than 600 miles of backcountry roads are inadequately secured leaving natural resources, wildlife and visitors less safe.

Meanwhile, the backlog of maintenance projects in our parks has grown to a range of $4 billion to $6.8 billion, according to the Government Accountability Office. Throughout our national park system, roads, bridges, and historic structures are falling into disrepair, trails and campgrounds are poorly maintained, and visitor centers are becoming outdated.

Additionally, a recent report by the Environmental Protection Agency designated eight national parks, including Joshua Tree, as containing excessively high levels of ozone. It is alarming to know that the air at some of our national parks is harmful, especially since the problem of poor air quality in these regions was identified for action under the Clean Air Act in 1977.

Our national parks are America's natural treasures. They make the beauty of our Nation accessible to all Americans and, indeed, visitors from around the world. We have a responsibility to preserve these places for the enjoyment of generations to come.

Enacting the California Desert Protection Act was an important step toward that end. Now, we must continue to work to ensure that the parks we have already established, and those we may yet protect, have the resources they need.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator MURKOWSKI in sponsoring a resolution commemorating the annual ''Red Ribbon Week.'' Celebrated October 23–31, Red Ribbon Week encourages individuals, families, and communities to take a stand against alcohol, tobacco, and illegal drug use. I hope the rest of the Senate will join in supporting this resolution and support this very important campaign.

The tradition of Red Ribbon Week and wearing and displaying red ribbons started back in 1985 following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique Camarena. In an effort to honor his memory and unite in the battle against illegal drugs, friends, neighbors and students from his home town began wearing red ribbons. In 1988 the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, this year's theme for Red Ribbon Week is ''Take a Stand—Help Iowa Be Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances, and other family and educational events all designed to educate our children on the negative effects of drugs and promote a drug-free environment.

Research tells us that if you can keep a child drug-free until they turn 20, chances are very slim that they will ever try or become addicted. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must engage parents, communities, and young people. Red Ribbon week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

More than 80 million people across the country are expected to participate in Red Ribbon Week. I urge my colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

U.S.-JAPAN RELATIONS

Mr. CRAIG. Mr. President, I rise today to discuss the contribution that one of America's closest and most important allies is making to our Nation's efforts to help the Iraqi people build a safe and stable democracy.

In the very public discussions that we hear every day about Iraq we often do not hear about the extraordinary efforts of the United States' closest security ally in the Asia-Pacific Region. That ally is, of course, Japan. We are all aware of the limitations that Japan has imposed on its own military since World War II. What many of us are not aware of is the actions Japan has taken to work with the United States and other nations to bring peace and stability to Iraq.

One document published by the Japanese Embassy outlines the deployment of Japanese Self-Defense Forces to provide humanitarian assistance in Iraq. Many Americans would be interested to learn that there are about 1,000 Japanese troops in Iraq, including almost 600 ground troops. In addition, Japan has undertaken a very substantial humanitarian relief effort. Through the end of September, Japan's Air Self-Defense Force C–130 aircraft flew 66 missions between Kuwait and Iraq and delivered over 175 tons of relief supplies.

Mr. President, I ask unanimous consent to print that paper and two others—one on Japan's very substantial financial assistance for Iraq and the other describing Japan's cultural assistance for Iraq—in the CONGRESSIONAL RECORD. Taken together, these papers demonstrate that one of America's most reliable security allies is truly dedicated to bringing stability and freedom to Iraq.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAPAN'S ASSISTANCE FOR IRAQ—FACT SHEET

(Note: All figures are approximate.)

1. Overview

At the International Donors' Conference on Reconstruction of Iraq held in Madrid on 24 October 2003, Japan announced its financial assistance package totaling up to $5 billion.

The package comprises (a) $1.5 billion grants for the immediate needs through 2004, and (b) up to $3.5 billion, mainly in ODA loans, in order to meet the medium-term needs for a period approximately through 2007.

It's Japan's policy to make its financial assistance by ODA and the humanitarian and reconstruction activities by the Self-Defense Forces work in tandem for the reconstruction of Iraq.

2. $1.5 billion grant

In the grant assistance, Japan gives priority to areas such as power generation, education, water and sanitation, health and employment, as well as others including improvement of the security, culture, sports and capacity buildings.

Out of $1.5 billion, more than $1150 million have already been disbursed or decided as following:

$180 million have already been disbursed. (Attachment A);

$490 million have been committed to the International Reconstruction Fund Facility

for Iraq of the UNDG ($360 million) and the World Bank ($130 million). (Attachment B) $10 million have been disbursed into IFC small business finance facility; and

$470 million worth of bilateral projects have been identified and decided including a new package of projects totaling $290 million announced on 29 June (Attachment C).

3. Up to $3.5 billion mainly through ODA loans

Japan will provide up to $3.5 billion mainly through concessionary loans (ODA loans) to meet the mid-term reconstruction needs between 2005–2007, taking account of the advancement of the political process, developments toward the solution of outstanding debt issues and the improvement of the security situation.

With regard to areas of this assistance, in addition to areas mentioned above, Japan will also focus on infrastructure development, including telecommunications and transportation.

A. Japan's assistance disbursed so far ($180 million)

(1) Humanitarian Assistance for Iraq (WFP, UNICEF, ICRC, UNHCR).

(2) Assistance through the international organizations for the following projects:

Umm Qasr Port Project (UNDP);

Iraq Reconstruction and Employment Program m Baghdad (UNDP);

Rehabilitation of the National Dispatch Centre (UNDP);

Emergency Rehabilitation of Al-Kadhimiya Hospital (UNDP);

Emergency Rehabilitation of the Hartha Power Station (UNDP);

IREP2 in North and South of Iraq (UNDP);

Reactivation of Primary Education in Iraq (UNICEF);

School rehabilitation Project (UN–HABITAT);

Community rehabilitation Project (UN–HABITAT);

Contribution to the IFC Fund (assistance to Micro- and small-scale enterpises).

(3) Direct assistance to Iraq and Grassroots assistance for the following projects:

Provisions of 1,150 Police vehicles;

Provision of 70 fire-trucks to Baghdad, Al Basra and Al-Mutharma;

Humanitarian operation in the Umm Qasr Community;

Equipment supply for Rashid District in Baghdad;

Improving Hibatoallah Institute for Down Syndrome; and

Provisions of ambulances in Nineveh Governorate.

(4) Assistance in won with NGOs:

Medical projects and emergency rehabilitation of public facilities (Japanese NGO);

Medical project in Baghdad run by Hashemite Charity Organization (Jordanian NGO); and

Project distributing medical equipment run by CARE International (International NGO).

(5) Assistance in Samawah and Governorate of Al-Muthanna, where Japanese Self-Defense Forces are dispatched, for the following projects:

Provisions of Water Tanks;

Provisions of Emergency Medical Supplies to the Samawa General Hospital;

Emergency Aid of medical equipment to the Samawa Maternity and Children Hospital;

Improvement of Access to Safe Drinking Water;

School rehabilitation Project (UN–HABITAT);

Iraq Reconstruction and Employment Program (UNDP);

Provision of water treatment facilities; and

Provision of medical equipment to the Al-Rumaytha and Al-Khidhur Hospitals.

(6) Capacity building programs of JICA (Japan International Cooperation Agency) as following:

Vice-minister and other officials of the Ministry of Health;

Training of Iraqi doctors and nurses in Cairo as the Japan-Egypt Joint Medical Cooperation for Iraq;

Training of Iraqi experts (ex. electricity) in Jordan;

Director General of Governorate of Al-Muthannah Health Department and Directors of Four Hospitals in Samawa and Neighboring Areas.

(7) Others:

Humananitarian and Reconstruction Assistance by the Japanese Self-Defense Force (SDF) in Samawah and Governorate of Al-Muthanna;

Consolidating broad based solidarity among the international community;

Cooperation with Arab and neighboring countries;

Cooperation with Germany and France;

Conservation of cultural heritage and promotion of sports in Iraq; and

Assistance for supplying Japanese TV program.

B. Japan's assistance through International Reconstruction Fund Facility for Iraq ($490 million)

$450 million has been paid into the respective IRFFI (International Reconstruction Fund Facility for Iraq) holding accounts of the UNDG Trust Fund ($360 million) and the World Bank Trust Fund ($90 million). Additionally, $40 million will be paid into WB TF in the near future.

Japan has already authorized UNDG to use $260 million out of $360 million for UNDG TF by signing the document, and will authorize WB to use $40 million for WB TF in the near future (totally $300 million).

The relevant international organizations will start some projects in the fields of electricity, transportation, education, water resources, environment and so on by using part of Japanese contribution.

C. Japan's assistance through bilateral channel ($470 million)

(1)) Following projects totaling $490 million was decided on 26 March and 29 June:

(i) Electricity: Provision of 27 mobile substations throughout Iraq and rehabilitation of Taji Gas Turbine Power Station, Mosul Gas Turbine Power Station and Mosul Hydroelectric Power Station.

(ii) Health: Rehabilitation and provision of equipment to 4 general hospitals in South (Nasiriyah, Najaf, Diwaniyah, and Samawah) constructed by Japanese companies and rehabilitation and provision of equipment to 4 general hospitals in North (Kirkuk, Arbil, Mosul, Dabuk) constructed by Japanese companies.

(iii) Water/sanitation: Provision of 30 compact units to the city of Baghdad, and provision of special vehicles for garbage disposal and sewage cleaning throughout Iraq.

(iv) Others: Provision of Armored vehicles in Baghdad and Al-Muthanna.

[From the Embassy of Japan, Oct. 4, 2004]

DEPLOYMENT OF JAPAN SELF-DEFENSE FORCE TO PROVIDE HUMANITARIAN ASSISTANCE IN IRAQ

The total number of Japan Self-Defense Force (JSDF) personnel participating in the effort for the reconstruction of Iraq is approximately 1,000, including up to 600 Japanese Ground Self-Defense Force (GSDF) troops, several Japan Maritime Self-Defense Force (MSDF) vessels and Japan Air Self-Defense Force (ASDF) aircraft.

The third contingent of GSDF was dispatched to Iraq on August 8. These new forces represent Japan's firm commitment to the hands-on reconstruction of Iraq.

Japan's ASDF, with its C–130 aircraft, started to transport humanitarian relief supplies between Kuwait and Iraq on March 3, 2004. During the period between March 3 and September 30, over the course of 66 missions, the supplies carried amounted to 175.6 tons.

JAPAN'S CULTURAL ASSISTANCE FOR IRAQ

The Government of Japan (GOJ) is determined to offer the most possible support to the continued tenacious efforts by the Iraqi people, who still face very difficult circumstances.

It is important that the Iraqi people maintain hope and improve their prospects for the future while tackling their difficulties. Japan's assistance in the fields of culture and sports is expected to provide moral support for the Iraqi efforts to reconstruct their country. The rich history represented by the cultural heritage in Iraq is a credit to the country, and sports contribute to their solidarity.

Cultural assistance may also serve to elicit more understanding of Japan by diffusing soft images of Japan (e.g. politeness, kindness) throughout Iraq.

As can be seen from Japan's experience of reconstruction after World War II, it is extremely important and pressing for the future development of Iraq, to improve the quality of education in order to nurture human resources.

PROVISION OF TV PROGRAMS

(1) Provision of ''Oshin'':

''Oshin'' is a TV drama depicting the life of a Japanese woman who overcame poverty and difficulties before, during, and after WWII. ''Oshin'' has been broadcast in 59 countries and has been very popular in many countries, in particular in Middle Eastern countries.

In October 2003, the GOJ (the Japan Foundation), in cooperation with Egyptian R & T.V Union, provided 96 episodes (mainly about the woman's childhood) of ''Oshin'' with subtitles in Arabic to the Iraqi Media Network (IMN) free of charge.

(2) Provision of other TV programs:

In April, the Japan Foundation provided the TV program ''Project X'' to the Lebanon-based Future Satellite TV. (It is a satellite TV station with viewers primarily from Arabic speaking countries including Iraq.)

SPORTS ASSISTANCE

(1) Donation of football equipment by the Japan Football Association (JFA):

In November 2003, the JFA donated football equipment (1214 balls, 4853 uniforms, and 394 pairs of spiked shoes) to the Iraq Football Association (IFA). The equipment was collected from all over Japan on the initiative of the JFA.

The GOJ provided transportation for the football equipment to Baghdad (under the framework of Grant Assistance for Cultural Grassroots Projects).

(2) Provision of football equipment to the southern Iraq including Samawah:

The GOJ has decided to provide football equipment (1000 balls, 3000 game jackets, and 20 inflators) to the Department of Youth and Sports in the Governorate of Al-Muthanna (under the framework of Grant Assistance for Cultural Grassroots Projects). Part of equipment provided by the Government was transported from Kuwait to Samawah by C–130H of the Self-Defense Forces (SDF). The handover ceremony took place on May 23 at the SDF camp in Samawah. An exchange soccer match was convened between three soccer clubs in Samawah and the SDF team on June 10, using soccer balls provided.

(3) Cooperation Relating to the International Friendly Football Match between

Japanese and Iraqi National Football Teams on February 12, 2004:

The GOJ provided travel expenses for the Iraqi National Team members through the Japan Foundation.

The GOJ provided assistance for the Iraqi Media Network (IMN) to conduct a live broadcast of the friendly football match so that as many people in Iraq as possible could watch the game. The GOJ also provided coverage assistance to the Lebanon-based Future Satellite TV, which was visiting Japan at the invitation of the MOFA.

On February 12, Senior Vice-Minister for Foreign Affairs Aisawa held a ceremony to present footballs (the design of the balls is same as that of the balls provided to southern Iraq) to the Vice President of the Iraqi Football Association, Mr. Ahmed Radhi, as a token of appreciation for his visit.

(4) Assistance involving Judo:

The GOJ, in cooperation with the Kodokan Judo Institute, invited the President of the Iraq Judo Federation (IJF) Sameir S. al-Mousoy to visit Japan from February 22 to March 6 as a part of a sports exchange assistance program.

Taking advantage of this opportunity, the GOJ decided to provide the IJF with 50 blue judo uniforms for international matches and transportation assistance for judo equipment (100 white judo uniforms and 2 sets of tatami mats for official matches (approximately 200 mats)) donated by the All Japan Judo Federation (AJJF) under the framework of Grant Assistance for Cultural Grassroots Projects.

On March 3, Senior Vice-Minister for Foreign Affairs Abe held a ceremony to present the list of judo equipment donated by the GOJ and AJJF to the President of IJF, Sameir S. al-Mousoy.

(5) Assistance for athletes aiming to participate in international competitions:

The Government invited Chairman Ahmed al-Samarrai of the National Olympic Committee of Iraq to Japan (April 13–17). Chairman al-Samarrai paid courtesy calls on Prime Minister Junichiro Koizumi and Minister for Foreign Affairs Yoriko Kawaguchi, and exchanged opinions with the officials from the Ministry of Foreign Affairs and the members of the Japanese Olympic Committee on Japan's assistance for the Iraqi athletes aiming to participate in international games such as the Athens Olympics 2004. He then observed the training and other facilities which will accept the Iraqi athletes.

Trying to provide hope and solidarity towards reconstruction among Iraqi nationals, Japan is considering the provision of assistance for Iraqi athletes aiming to participate in international games such as the Athens Olympic Games in August 2004, the Pan-Arab Sports Games in September 2004, and the Asia Sports Games in 2006.

ASSISTANCE RELATED TO CULTURE AND EDUCATION

(1) Assistance to the Iraq National Museum:

The assistance for the recovery of the restoration laboratory of the Iraqi National Museum of Iraq (provision of equipment, human resources development, and management of facility) is being implemented based on an additional contribution from the GOJ to the UNESCO/Japan Trust Fund. The Japan Foundation invited Director General of the Iraqi National Museum Donny George to Japan from March 30 to April 6. Mr. Donny George held several meetings with government officials.

(2) Provision of vehicles for protection of cultural heritage, etc.:

The GOJ has earmarked part of the contributions which it provided to the UN Trust Fund to assist the reconstruction of Iraq to be used in cultural projects of UNESCO and a project to provide vehicles for protection of cultural heritage is scheduled to be implemented.

EDUCATIONAL ASSISTANCE

The GOJ decided to contribute approximately $1 million through the Japanese Fund-in-Trust for the capacity-building of Human Resources in UNESCO to conduct research on the local needs and to start emergency assistance (training of staff members and launching of Web sites) for the Ministry of Education of Iraq.

The GOJ has appropriated part of the contributions it provided to the UN Trust Fund to assist the reconstruction of Iraq for educational projects of UNESCO, and projects such as assistance for literacy education and capacity building of educational personnel are scheduled to be implemented.

JAPAN-FRENCH COOPERATION ON SPORTS AND CULTURAL ASSISTANCE FOR IRAQ

In early February 2004, Special Advisor to Prime Minister Junichiro Koizumi, Yukio Okamura visited France and agreed with the French Government to pursue Franco-Japanese cooperation on sports and cultural assistance for Iraq.

After discussions at working levels, Japanese Foreign Minister Kawaguchi and French Foreign Minister de Villepin agreed to move forward on the following cooperative projects:

Provision of support, inter alia, for the exhibition of Iraq National Museum and rehabilitation of Iraq National Library and Iraq National Archives.

Provision of support for Iraqi athletes aiming to participate in international competitions.

Mrs. FEINSTEIN. I would like to join the Senator from Idaho in calling attention to the very significant contribution that Japan is making in Iraq. As a Senator from California, I am privileged to represent thousands of Japanese-Americans who I know will be proud and pleased to learn about Japan's critical role in Iraq.

Beyond the impressive figures on force deployment, which the Senator from Idaho has so clearly outlined, it should be noted that Japan's financial commitment to Iraq, and to working closely with the United States in Iraq, is equally significant. At last year's Madrid International Donors Conference on Reconstruction of Iraq, Japan announced a financial assistance package totaling up to $5 billion. The package includes both $1.5 billion in grants and $3.5 billion in loans. In addition, Japan will host the Third Meeting of the Donors' Committee of the International Reconstruction Fund for Iraq this month.

Japan has also made a very significant effort to provide cultural assistance for Iraq. One of the documents submitted by Senator CRAIG provides the details on this undertaking. I was especially struck by Japan's reference to its own experience of reconstruction after World War II and the need to ensure that the unifying forces, like those of a shared culture and athletic tradition, are nurtured to help the Iraqi people reestablish their own identity.

It is also important to remember that Japan's commitment to Iraq was severely tested during a hostage crisis this year. Fortunately, that crisis was resolved favorably. Here's what Prime Minister Koizumi said on April 22 on that 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 have been dispatched to engage in humanitarian and reconstruction assistance in Iraq.

Mr. President, these facts underscore the very important point made by the Senator from Idaho. The United States is fortunate to have Japan as a close ally. I yield to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I want to commend the Senators from Idaho and California for their comments, and to associate myself with their discussion.

The depth of my concern with the subject of Japan's cooperation with the U.S. on security matters goes very deep. I was privileged to have served my country during World War II, and I was as proud as any American with the victory we achieved over Japan. However, I am much more proud of the events that have occurred since that war—events that have changed two former enemies into the closest of allies.

Mr. President, the post-war actions of these two former adversaries is one of history's most shining moments. America demanded and received Japan's unconditional surrender. America also insisted on compensation, and that was accomplished by the 1951 San Francisco Peace Treaty. Our country, however, also recognized that Japan is a great nation, and we dedicated ourselves to helping restore its place in the world. Thus, instead of the kind of ''armistice'' or ''cold peace'' settlement that only preserves hostility and resentment, both nations worked hard to transcend their recent past and build a true alliance.

As Americans, we have seen this before. Our Nation's first enemy, Britain, is now one of our very closest allies. It is inspiring that Japan and the U.S. have accomplished a similar achievement and created a truly strong and lasting alliance. The facts that Senators FEINSTEIN and CRAIG put before us only confirm how strong that alliance is.

HONORING FAVORITE TEACHERS

Mr. DAYTON. Mr. President, nearly 4,000 Minnesotans honored their favorite teacher at my Minnesota State Fair booth this summer. I would like to honor these teachers further by submitting their names to the Record, as follows:

New Richmond Middle School—Shane Dupuis, Mr. Franzwa, Mr. Henk, Mr. Nadeu; New Rochelle High School—Daniel Owich; New Ulm Junior High—Ms. Liedman; New Ulm Senior High—Colleen Tasto; New York Mills Elementary—Connie Griffith; Newport

Elementary—Mrs. Bernie; Nicollet High School—Brad Koenig, Kenneth Wick; Nicollet Junior High—Ann Bakken, Danielle Christy, Mr. Holt; Nisswa Elementary—Brenda Marohn, Sue Headlee; Noble Elementary—Mrs. Johnson, Rachel Schwandt; Nokomis Elementary—Sharon Benson; Nokomis Montessori—Mr. Huelster, Judy Jacobsen, Georgia Maguire, Gwen Odney; Norman County Secondary School—Mildred Halvorson, Gwendolyn Meyer, Robert Ramstad; Normandale Community College—Chuck Gross, Cynthia Shiebe, Marilyn Wood; Normandale Elementary—French Immersion—Gary Boisclaire, Joanne Click, Joey Click, Jaime Locke, Jennifer Johnson, Barbara Pinaire;

Normandale Hills Elementary—Mr. Zarbo, Karen Anthony, Mrs. Kosey, Emily Nuss, Mrs. Oldfather, Jan Saari, Carol Shelly, Doris Stenberg; North Branch Elementary—Dianna Linehan, Julia Roman, Dave Balzer; North Branch High School—Marilyn Fagerness; North Branch Middle School—Joan Carlson, Al Jones, Robert Monk, Lisa Mueller; North Elementary (Princeton)—Mr. Johnson; North Hennepin Community College—Marion Day; North High School (Minneapolis)—Jeff Bustza, Richard Chakolis, Aletha Halcomb, Julie Jacobsen, Natalie Rasmussen, Patricia Rydeen; North High School (North St. Paul)—Ms. Brown, Karen Klein, Kate Liden, Melissa Morgan, Sarah Paul; North Lakes Academy—Caroline Little; North Park Elementary—Faith Twedell; North Rose Wolcott High School—Sherman Parker; North Senior High—Lisa Johnson; North View Junior High—Sue Howard, Dan Murphy, Nancy Ziemer, Tom Brandt, Dianna Deschene, Mike Mullin; Northdale Middle School—Sarah Engstrom, Julie Fleischhacker, Veann Beutler, Tim Martin, Lionel Washington; Northern Elementary—Mary Kostohryz; Northern Illinois University—Paul Stey; Northfield High School—Stephen Cade, Donald Dick, Deb Reynolds, Sam Wold; Northfield Middle School—John Bade, Mark Langerin; Northrup Elementary—Mary Hartman, Jim Nannemann; Northside Christian School—Beth Dvorak, Bryan Remen, Anne Remen; Northside Elementary (Benson)—Mary Ann Larson; Northside Elementary (St. James)—Roxanne Romsdahl; Northview Elementary School DHOH Team—Kristine Cinealis, Northwest YMCA—Gloria Smith; Northwestern College—Bruce Melander, Jackie Pickar; O.H. Anderson Elementary—Dave Clymer, Christine Anderson; Oak Grove Middle School—Renee Sbrocco; Oak Hill Community Elementary—Linda Baker, Mr. Kaczor; Oak Hill Montessori—Renee Laurent; Oak Hills Elementary—Mrs. Bloomquist, Ms. Rome; Oak Park Elementary—Nina Leiser, Daryl Vossler; Oak Point Elementary—Chris Hajney, Diane Kelly, Mrs. Radel, Jodi Radel, Matt Rusch, Mrs. Wolfe; Oak Point Intermediate Elementary—Heidi Wavinak; Oak Point Intermediate School—Vicki Effertz; Oak View Elementary—Mr. Esselman, Jill Simon, Kelli Varley; Oak View Middle School—Olivia Bastian, Mary Mann, Gordy Nilsen; Oakdale Elementary—Shirley Blasjo, Lynn Brown, Jane Cavanaugh, Kari Eilief, Lisa Frampton, Patty Krauschaar; Oakland Junior High—Brian Luke, Julie Guerber, Robin Vought; Oakridge Elementary—Mrs. Yetzer; Oakview Middle School—Mr. Walden; Oakwood Elementary—Rose Klobuchar, Jan Wiley; Occidental College—Daniel Fineman; Odyssey Charter School—Jeni Holm; Ogilvie High School—Joan Erickson; Olathe Unified School District—Antonia Miller, Mr. Reeves; Olivia, MN—Letha Brenner, Pat Kadlecek; Olson Elementary—Jessica Newman, Jane Willey; Olson Middle School—Terry Fraver, Tammy Kellen, Jean Liss, Karolyn Thompson, Ron Wagner, Jeremy Willey; Oltman Junior High—Peter Bergman, Susan Peichel;

Onamia Elementary—Ms. Maxwell, Kelly Mertens; Onamia Secondary School—Joani Ellingson; Orchard Lake Elementary—Mrs. Batta, Patti Schluter, Janine Steffer; Ordean Middle School—Jennifer Timm; Orono High School—Sarah Cole, Adrienne Gilby; Orono Intermediate—Katy Crofutt; Osceola Middle School—Rachel Marrier; Osseo Elementary—Nancy Hammer, Kathy Johnson, Kathy Petruzzi, Carolyn Steinke; Osseo High School—Brian Chance, Jill Kellar, Ms. Lausche, Gary Leafblad, Mr. Rosch, Ms. Sasse, Leslie Schmelsser, Mr. Schultz, Gerry Zelenak, Eric Kalenze, Daryll Lindquist, Kelli Wallk; Osseo Junior High Greg Bigalke, Joe Domeier, Mr. Lemke, Clayton Ochs, Mrs. Peterson; Osseo Secondary Transition Center—Kristin Cappola; Osseo Senior High—Helen Larson, Mr. Leabo; Otsego Elementary—Nancy Boyer, Rick Greenwaldt, Mary Beth Stensgard, Wayne Stensgard, Julie Olson; Ottawa Hills School District—Susan Everheart; Otter Lake Elementary—Ann Feider, Lee McGrath, Mrs. Poppa, Lisa Thompson; Our Lady of Grace School—Bonnie Stone; Our Lady of Peace—Julie Mueller; Owatonna High School—Katie Berglund; Owatonna Junior High—Margaret Swanson; Oxbow Creek Elementary—Rolf Carlson, Ms. Cox, Neil Eerdmans, Judy Johnson, Heidi Johnson, Kari Kaehn, Rebecca Lundberg, Terry McEowen; Palmer Lake Elementary—Marlys Carols-Stieskal; Park High School—Valerie Bradt; Park Brook Elementary—Mary Beth Walls;

Park Center High School—Paul Lorentzen, Bradley Olson; Park Elementary—Susan Haughland; Park High School—Denise Atkinson, Stephanie Blair, Jarom Debtviller, Mr. Kyes, Mr. Mackie, Roberta Rudolph, Christopher Russel, Maria Tol; Park Rapids Elementary—Candy Malm; Park Senior High—Joe Hentges; Park Spanish Immersion Park Spanish Immersion Teachers—Milissa Hoffman, Corey Maslowski; Park Spanish Immersion Elementary—Kathleen Walser; Park Valley Catholic School—Mrs. Steffensmeier; Park View Early Childhood Center—Lee Bahr; Park View Montessori School—Teri Blair, Todd Vandeberg; Parkside Elementary—Lauri Hayes; Parkvalley Catholic School—Leona Cornish, Mrs. Halstrom, Nancy Hanson, Mrs. Heimer; Parkview Center Elementary—Christine Hitchcock, Gloria Honda, Deb Obey; Parkview Center School—Barb Grengs, Gail Hagen, Jill Koshiol, Stacy Nelson; Parkview Early Childhood Center—Mrs. Blake; Parkview Elementary (Rosemount)—Petra Hagen, Mrs. Lunn; Parkview Elementary (Virginia)—Marcia Bergquist; Parkview Elementary (White Bear Lake)—Mr. Allen, Ms. Sharp; Parkway Elementary—Rebecca Swanson; Parkway Elementary (St. Paul)—Nancy Class, Mrs. Heubach; Patrick Henry High School—Perry Juenemann, Eva Lockhart, Susan Losacker; Paul and Sheila Wellstone Elementary—Kelly Madder, Mrs. Potts, Judy Schultz; Paynesville Elementary—Cheryl Colbert; Paynesville High School—Patricia Nelson; Paynesville Middle School—Todd Spanier; Pearson Elementary—James Otto; Penn Township School District—Leola Schmidt; Pequot Lakes High School—Lynn Smith; Perpich Center for Arts Education—Joao Bichino, John Colburn, Craig Farmer, Bob Frey, Chris Granius, Nancy Norwood, Wesley Wallace;

Peter Enich Kindergarten Center—Mr. Gall; Peter Hobart Elementary—Barb Bottlene, Ali Dvorak, Elizabeth Lovas, Carole Humphrey; Phalen Lake Elementary—John Farthing, Ms. Wolters; Phillips Community School—Clyde Eagle; Piedmont Elementary—Jan Holt, Gerry Mizuko; Pierz High School—David Dormanen; Pike Lake Elementary—Jean Modjeki; Pilgrim Lane Elementary—Mrs. Stensrud; Pillsbury Elementary—Krista Anderson, Mrs. Jernberg, Sandra O'Donnell, Kristen Parker, Lori Tierney, Mark Trumper; Pilot Knob Elementary—Steven Anderson, Char Kascht, Dave Skoglund, Carol Olson; Pine Bend Elementary—Patty Goettsch, Mary Landis, Ben Peine; Pine City High School—Eric Wicktor; Pine Hill Elementary—Mrs. Burns, Sue Elchert, Mrs. Germshied, Andrew Hovden, Ms. Karnowski, Mrs. Mitchell; Pine Island Elementary—Mary Bakeberg; Pine Island High School—Dale Phillipson; Pine Lake Elementary—Mr. Klippenes; Pinecrest Elementary (Hastings)—Lyn Much, Glenda Peak; Pinewood Elementary (Monticello)—Jessica Herbst; Pinewood Elementary (Eagan)—Mrs. Anderson, Betsy Beach, Erik Davis, Joel Ruthenbeck, Pinewood Elementary (Mounds View)—Barbara Brusman, Melissa Dugan, Gary Judd, Holly Kettelsen, Betty Simonsen; Pioneer Ridge Freshman Center—Ross Erickson; Pipestone Alternative Program—Toni Cunningham; Pipestone Area Schools—Leorna Studt; Pipestone Public Schools—Joan Ratzloff; Pleasantview Elementary—Jill Krueger, Mrs. Martin, Gina Rudolph; Plymouth Middle School—Katie Buss, Bradley Burns, Tony Vazquez; Pope John Paul II Catholic School—Mrs. Aska, Lissa Forletti-Aska; Poplar Bridge Elementary—Mrs. Kapsch, Nancy Layman, Susan Peterson, Emily Rolek, Michelle Shorma, Mrs. Steffes; Powderhorn Elementary—Joan Hutchinson, Nancy Kruse; Prairie Elementary—Maririn Jensen, Judy Schmidt, Yvonne Sieve; Prairie Lutheran Early Childhood—Avis Turner; Prairie View Elementary—Linda Fullerton, Mike Skarp, Mark Swiggum; Prairie Woods Elementary—Jon Ninneman, Gwendolyn Roeder;

Pratt Elementary—Matt Berg, Anita Kangas, Laura Madsen; Presentation of Mary Elementary School—Hannah Stolen, Patsy Bishop; Prince of Peace Lutheran School—Wayne Coburn; Princeton High School—Duane Anderson, Stephen Larson; Princeton North Elementary—Carol Jones; Princeton South Elementary—Heidi Gebhard; Prior Lake—Ms. Colbert, Lyle Grimmer; Proctor Senior High School—Dick Kieren, Jim McIntire, Kathy Sylvester; Prosperity Heights Elementary—Mary Bakken, Angela Jalonack; Providence Academy—Teresa Wilson; Pullman Elementary—Nicole Wildman; Putnam Elementary—Cathy Clemons, Mrs. Johnson, Kristie Rossow; Putnam Heights Elementary (Eau Claire, WI)—Alan Hudacek; R.T.R. High School—Mr. Thomas; Rahn Elementary School—Brad Taylor; Rainbow Connection Preschool—Kristy Adams, Deb Milow; Ralph R. Reeder Community Education Center—Cathy Larson; Ramsey Elementary—Sandra Anderson, Lona Kampf, Sue Olseon, Penny Rodman, Patricia Schlick, Sue Stearans, Deb Waller; Ramsey Fine Arts Elementary—Blatti Ann, Kathy Glick, Susan Gonzalez, Jennifer Hennen, Pat Kelly, Tim Leach, Lisa Munson; Randolph Heights Elementary—Lisa Dochniak, Monica Fitzgerald;

Red Lake Elementary—Shelly Fredriksen, Jean Whitefeather; Red Oak Elementary—Mary Louise Olberding; Red Pine Elementary—Nicole Crumb, Sue Gerten, Laurie Herman; Red Rock Elementary—Mrs. Denault, Stephanie Dorn, Mrs. Lee, Laura Loppnow, Kathy Mides, Mrs. Opatz, Red Rock Elementary Teachers; Red Wing High School—Jeff Chalmers, Lowell Gran, Jim Morrisson, Dave Woods, Kevin Larson; Redwood Valley High School—Mrs. Sales; Redwood Valley Middle School—Susan Anderson, Elizabeth Sales; Reede Gray Elementary—Euleen Christensen; Renville County West Elementary—Cam Weis; Rice Creek Elementary—Beth Gelino; Rice Elementary—Mrs. McDermid; Rice Lake Elementary—Amy Gerst, Ryan Hahn, Jeanne Holland, Ann Miller, Karen Schwartz, Gail Tellander, Candy

Boser, Mr. Stamman; Richard Green Elementary—Karen Larson; Richard Green School—Ms. Guiltary; Richardson Elementary—Ms. Jansen; Richfield High School—Richard Prindle, Barry Bain, Mr. Bente, Laurie Brown, Colleen Fischer, Mabel Frankenstein, Christopher Kaus, Derek Nelson, Mr. Oiseth, Cliff Peterson, Jennifer Swenson, Aaron Tepp, Elizabeth Vella Zehnphennig, Bruce Wiebe; Richfield Intermediate School—Kathryn Post, Jim Hayeck, Jodi Schleyer, Sandy Stone; Richfield Middle School—Val Caroll, James Habeck, Julie Lentz, Laura McQuiston, Kim Smith; Richfield School District—F. Taber-Akin; Richmond Elementary—Susan Utecht;

Ridgeview Elementary—Ms. Anderson, Paul Meyer; Rippleside Elementary—Sharon Lake, Daryl Smith, Loren Vonaske, Missy Walters; River Falls School District—Lanny Saumer; River Heights Elementary—Lisa Mayer; Riverside Elementary—Ms. Porter; Riverview Elementary School—Larry Golyer, Krista Carroll; Robbinsdale Armstrong High School—Pam Stanoch, Paul Anderson, Linda Holstein, James Irwin, Dean Larsen, John Norton, Kathleen Norton; Robbinsdale Cooper High School—Mrs. Bye, Lisa Emison, Vernon Hollister, Melissa Kyle, Kurt Pauly, Carol Zaudtke; Robbinsdale School District—Mr. Mossberg; Robbinsdale Spanish Immersion—Sr. Marique, Laura Pezan; Rochester—Sarah Nelson; Rochester Central Lutheran School—Pat Bryngelson; Rockford Elementary School—Terry Stansfield; Rockford High School—Caroline Young; Rogers Elementary—Mrs. Deroma, Vicky Roberts; Rogers High School—Laura Honeck, Sara Klingelhofer, Susan Romane; Rogers Middle School—Julie Athman, Lance Boole, Lori Tukey; Rondo Learning Center Cathy Smith; Roosevelt Elementary (Detroit Lakes)—Jane Ballard; Roosevelt Elementary (Faribault)—Mary Canney; Roosevelt Elementary (Mankato)—Brian Eggersdorfer, Kayla Koble, Mrs. Kuhlmann; Roosevelt Elementary (St. Cloud)—Larry Hanson; Roosevelt Elementary (Virginia)—Wayne Slater; Roosevelt High School (Minneapolis)—Jeahanne Beaton, Margaret Berg, Sharon Haldeman, Diane Martini-Johnson, Mr. Newton, John Vukmomich; Roosevelt Magnet Elementary (St. Paul)—Sheryl Cain, Jeanne Ertz, Dayna Thomas; Roosevelt Middle School (Blaine)—Laura Kaiser, Wayne Larkin; Roseau Elementary—Kelly Christianson; Rosemount High School—Rodney Smith, Liz Erikson, Sara Haitlei, Faith Jonas, Mr. Olsen, Caroll Rasch, Thomas Scott, Mr. Sieve, Mr. Theisen, Dr. Scott, Roy Warter; Rosemount Middle School—James Strey; Rosemount, MN—Justin Austgen; Roseville Area High School—Kay Sorgatz, Jane Aguilar, Merlen Clercx, Donna Erickson, Edward Fredine, Wally Jacobson, Robert Pass, Mary Peterson, Chris Ploetz, Charity Przepiora, Chelsea Schultz, Bo Smith, Kent Smith, Mr. Wagner, Jim Warren; Rooseville Area Middle School—Tony Andrea, Jeff Bibeau, Barbara Grengs, Scot Lavinger, Margo Olsen, Jodi Walker; Roseville Lutheran Nursery School—Anna; Rossman Elementary—Patricia Lee Benson, Ron Sprafka, Joann Strand; Royal Oaks Elementary—Mrs. Appert, Kelly Baeth, Laurie Beebe, Mr. Birkolyz, Denise Downhour, Louise Hinz, Linda Rull, Matt Judd; RTR High School—Mr. Thomas; Rum River Elementary—Mrs. Blue, Beverly Semanko, Jane Wood, Debra Day, Sandy Hannah; Rush City High School—Michael Vaugh; Rush Creek Elementary—Margot Andress, Ann Mock, Phyllis Rither, Patti Tannuzzo, Julie Williams; Rushford-Peterson High School—Craig Colbenson; Rutherford Elementary—Gretchen Haukom, Mrs. Spencer, Julie Kramer; Sacred Heart Elementary— Katie Goole, Mrs. Harty; Saint Ambrose of Woodbury—Mrs. Kress, Laurel Madden, Felicia Ochs, Kristn Woolsey; Saint Angela Merici School (Bronx, NY)—Diane Flanagan-Hogan; Saint Anthony Middle School—Robert Prust; Saint Anthony Park Elementary—Jessica Cherrier, Ruth Krider, Cathy Lime, Courtney O'Lean, Tim Olmstead, Susan Polfliet; Saint Anthony Village High School—Linda Guidera; Saint Batholomew's School Sr. Marcene; Saint Bernard's High School—Amy Okan, Mrs. Harrington, J.P. Kolbinger; Saint Boniface School—Liz Ficker; Saint Casmirs—Margo Lutzek; Saint Charles—Donna Spletz; Saint Charles Borromeo Catholic School—Judy Kusz, Mr. Willmar; Saint Charles Elementary School—Jeffrey Cole, Mike Smith; Saint Charles High School—Sarah Dixen, Scott Mecready; Saint Clair Elementary—Deb Hart; Saint Clair High School—Jim Williams; Saint Cloud—Marie Corriean, Ray Maresh, Sharon Truex; Saint Cloud Children's Home—Craig Slocum; Saint Cloud Christian School—Patty Kelm; Saint Cloud School District—Larry Hanson; Saint Cloud State University—Albert Grottel, Chuck Rose, Frances Kayona, Janine Dahms-Walker;

Saint Cloud Technical High School—Gerald Gerads, LeRoy Pauley; Saint Croix Falls Senior High School—Erik Paulson; Saint David's Child Development Center—Debbie and Tina; Saint Elizabeth Ann Seton Catholic Middle School—Jeane Sharpe; Saint Francis de Sales School—Mrs. O'Keefe; Saint Francis Elementary—Patti Jo Oslin, Susan Robinette; Saint Francis High School—Mr. Bender, Michael Buck, Bobbi Hume, Mr. Keillor, Charles King, Mr. Klicka; Saint Francis Junior High School—Mr. Rose, Sue Starr, Bo Stevens; Saint Helena School—Sue Poepl; Saint John Fisher College—Michael Walczak; Saint John the Baptist School—Debra Cheney, Danielle Darwin, Mrs. Koskie, Ms. Schnette, Mrs. Spoden, Mrs. Sue, Mrs. Thompson; Saint John the Evangelist School—Andrew Sachaliason; Saint John Vianney School—Marge Milner, M. Pepperwolf, Nancy Schneider; Saint John's Catholic School (Hopkins)—Amy Hoheneker; Saint John's Lutheran School (Chaska)—Mrs. Herman; Saint John's Lutheran School (Maple Grove)—Justin Bermister; Saint Joseph's Catholic School—Sister John Christine, Regina Raush; Saint Joseph's School of Music—Rose Immacula; Saint Jude of the Lake—Tammy Green, Tracy Lewis; Saint Louis Park High School—Dorothy Ranslan, Arthur Cahill, Joe Getty, Joe Conrad, Jan Lane, David Linne, Mary Norris, Kevin O'Brian, Lee Smith, LeeAnn Stephens;

Saint Louis Park Junior High—Mrs. Maslowski, Randy Moore; Saint Mark's (St. Paul)—Karen Marolt, Ms. Rosga, Nicole; Saint Mary of the Lake Catholic School—Jeanne Bennek, Patty Clauson, Beth Croseby, Ms. Easton; Saint Mary's (Saint Paul)—Susan Reinardy; Saint Mary's (West Saint Paul)—Susan Walker; Saint Michael-Albertville High School—Derek Dewey, Michael Frickstad, Jens Rhoades, Pat Neumann; Saint Michael's School (Prior Lake)—Mr. Nickelson; Saint Michael's School (West St. Paul)—Sister Connie; Saint Odilia Parish School—Katy Maier, Kevin Scroggins, Mrs. Wendland; Saint Olaf College—Judy and Jim Cederberg, James Dickson, George Holt, Dan Forstner; Saint Pascal's School—Mrs. Campbell, Mrs. Reihle; Saint Paul—Blanche Burroughs, Ms. Hollman, Mrs. Martha, Dorothy Sarafolean, Tina Westawker, Billie McQuillan, Ralph Helm; Saint Paul Academy & Summit School—Laura Duke, David Fuerst, Laurie Goldfarb, Alisa Grewe, Judy Johnson, Margaret Kelberer, Tom Lundhom, Ms. Miller; Saint Paul Central High School—Ed Roth, Juanita Spire, Mr. Yernburg; Saint Paul College—Kathy Ross; Saint Paul French Immersion School—Audrey Gagnaire, Tammy Trochu; Saint Paul Mechanical Arts High School—Barbara Brice, Ray Schneider; Saint Paul Open School—Leo Bickelhaupt, Paula Brust, Jule Doble, Sheri Gongioroski, Kelly Jensen, Vaughn Koenig, Tim Leone-Getten; Saint Paul's Lutheran Elementary—Amy Bohme; Saint Peter High School—Mr. Harvey, Korrien Kreft, Jeff Miller; Saint Peter South Elementary—Ms. Farrington;

Saint Peter's Catholic School—Suzanne Yager; Saint Peter's School—Jeff Murawski; Saint Pius X Holy Family School—Deb Christensen, Racheal Hansen; Saint Rose of Lima Elementary School—Mrs. Kniffin, Rita W., Diane Wald; Saint Therese of Deephaven—Stephanie Brondani, Mrs. Connors, Carol Groetsch, Susan Ryan, Tim Wartman; Saint Thomas Academy—Wendy Fox, Donna Isaac, Tom Weber, Mark Westlake; Saint Thomas School—Michelle Misner; Saint Vincent De Paul Elementary—Mrs. Schlickup; Salem Hills Elementary—Ms. Gustafson; San Diego, CA—Diane Moss; Sand Creek Elementary—Roger Johnson, Scott Schaefer; Sandburg Middle School—Mark Balske, Mrs. Franz, Lauren Hildebrand, Dan McMullen, Molly Schmidt, Glen Semanko, Carrie Stack-Schaefer; Sandstone Saint Croix School—Barb Kunelius; Sanford Middle School—Lisa Dreyer, Nilo Guanzon, Lisa Stuehringer; Sartell Middle School—Donna Kellor, Amy Trombley; Sartell Senior High School—Jeff Kellerman; Sauk Centre Elementary—Mary Lou Kluver, Sandra Malevich; Sauk Rapids-Rice Senior High School—Kevin Hemmesch, Laura Mackenthun; Savage—Cindy Busse; Scandia Elementary—Mrs. McArdle, Jackie McMahon; Scenic Heights Elementary—Dylan Briest; Schaeffer Academy—Nola Aderton, Lisa Martinson; School District of Haverford Township—Mrs. Blanchard; School of Environmental Studies—Kim Lindell, Brad Nord;

Schoolcraft Learning Community—Judy Bing, Linda Blessing, Karen Bradley, Sara Breeze, Jim Conway, Marilyn Delaney, Ken Grantier, Gerry Hoyum, Heidi Lindseth, Greg Moen, Melanie Nelson, Carla Patch, Hilary Phukan, Lisa Robinson; Schumann Elementary—Stephanie Johnson, Jane Kipling, Rochelle Ratzloff, Susan Vest; Scott Highlands Middle School—Jeremy Abbot, Lorie Dahlstrom, Phyllis Deer, Ron Finger, Stephanie Helgerson; Seward Montessori Elementary School—Kathie Glick, Kristen Hanson, Paul Hegre, Leni Heinen, Paul Heshe, Elizabeth Hockbeing, Agnes Kilpatrick, John Roper-Batker, Karen Utter; Shakopee Area Catholic School—Renae Sames; Shakopee High School—Eric Christianson, Edie Cook, Bev Fahey, Jason Hunt, Mr. MILLER; Shakopee Junior High—Ms. Fiora; Shannon Park Elementary—Chris Ice, Sue McMurchie, Mary Snyder, Carol Anderson, Jill Kopperud; SHAPE Program (Bloomington)—Marion Thorne; Sheridan Elementary (Lincoln, NE)—Karen Hoiberg; Sheridan Elementary (St. Paul)—Sheila Kluxdal; Sheridan Global Arts and Communications Elementary—Renee Beer, Charles Bethke, Colin Brown, Susan Ferrell, Nadine Hennings, Cathy Jaksha, Becca Kristofitz, Joni Kueng, Chasu Lo, Ms. Melquist, Carolyn Olcott, Robin Parker, Roberta Puzon, Jody Quenell, Linda Radick, Karen Ruhs, Brenda Schultz, Leah Williams, Shirely Foerster; Sheridan Hills Elementary—Jean Malherek, Mrs. Geafer; Shingle Creek Urban Environmental School—Paul Brau, Craig Smith;

Shirley Hills Primary School—Mrs. Tollefson, Dan O'Brien, Jessica Rashleger; Sibley Elementary—Susan Chabot, Dan Foley; Silver Lake Catholic School—Karen Eckstein; Simley High School—Anne Batisti, Tom Claussen, Thomas Findlay, Matthew Lorey, Rufino Ochoada, Mike Murr; Sioux Trail Elementary—Karen Brown, Elaine

Vezina; Sky Oaks Elementary—Nancy Brandt, Kate Landgen, Mary Lincoln; Skyview Community Elementary—Seann Dikkers, Peter Evans, Kari Ratz, Peter Evans; Snail Lake Elementary—Leslie Lundmark, Craig Sundberg, Nathan Flansburg; Solomon Schecter Day School—Aliza Zeff; Somerset Elementary—Kathy Cardinal, Sue Wyckoff; Sonnesyn Elementary—Jennifer Cavanaugh, Janet Maki, Kay Miller, Jan Moen, Pam Oesterreich, Molly Zensen, Katni Homan; Sorteberg Elementary—Judy Saboe; South Avondale Elementary School—Sally Coomes; South Elementary—Lexi Cumings; South Grove Elementary—Mrs. Chun; South High School—Neil Anderson, Douglas Berglund, Scott Carter, Duane Dentz, Brian Fitzgerald, Mrs. Gunderson-Johnson, Mrs. Hayes, Tanya Hodge, Warren Kaari, Denny Sponsler, Mark Wald, Susan Wolfe, Melinda Bennett; Snail Lake Elementary—Eric Collins;

South Point Elementary—Kathy Voelker; South Saint Paul High School—Conrad Anderson, Judy Carney, Jennifer Caruso, Marlene Greger, Rachel Hansen, Sean McGlaughlin, Marilyn West, Jim Woodburn, Jane Stull; South View Middle School—Patrick Anderson, Ms. Barnett, Ms. Cicmil, Dean Dahl, Ms. Koenig, Marge Melvin, Mr. Sigmund, Mr. WOLFbauer, Dan Wymore; South Washington—Sarah Jepsen; South Washington County School District—Daryl Vossler; Southern Illinois University (Edwardsville, IL)—Thomas O'Keefe; Southland Senior High—Larry Luke; Southside Family School—Peter Oppenheim; Southview Elementary—Carol Peach, Lee Filipek; Southview Middle School—Ms. Arnold, Ms. Padden;

Southwest Christian High School—Andrew Gross; Southwest Junior High School—Crystal Ivanish; Southwest Senior High School—Mr. Behrendt, Mr. Denysenko, Robert Ferguson, Art Froehle, Larry Levine, Megan Marsnik, Beth Otto, Thomas Perry; Anne Marie Plante, Robin Polson, Sarah Sexton, Bill Towne, Jonathan Townsend, Ms. Westby; Southwest Star Concept Secondary School—Robert Graef; Special Education Resource Program (Minneapolis)—Meghan Scallon; Spooner High School—Mrs. Eichhorst; Spring Lake Park Senior High School—Michael Bobbe, Jennifer Bobbe, Brian Fredine, Wendy Hatchner, Carl Luepker, Jeremy Sellman, Beth Wackman;

Stevenson Elementary—Darri Becchetti, Mrs. Hermann, Michael Kozarek, Debbie Rein, Ms. Simineol; Stillwater High School—Greg Johnson, Marcia Aubineau, Bill Carlson, Tanya DeWing, Ms. Gunvolson, Mrs. Lee, Mr. Luke, Pam Norton, Darby Whitehill, Sunny Hollow Elementary—Ms. Branch, Doug Hubred, Andrew Hunter, Ms. Sigurdson, Julie Pitkin, Mr. Strand; Sunnyside Elementary—Mrs. Follet, Kevin Holm, Joseph Law, Sandy Lehman, Greg Ulrich; Sunset Hill Elementary—Cathi Critzer, Jane Reynolds, David Wiegert, Cheryl Burdick; Talahi Elementary—Angela Mitchell, Mary Pierce-Slocum; St. John's Lutheran School (Maple Grove)—Richard Wilkie; St. Joseph's School (West St. Paul)—Jane Schneeweis; St. Raphael Catholic School (Crytal)—Ms. Wockenfuss; St. Stephen's Catholic School (Anoka)—Mrs. Lakaner; Stanford University—Stanford, CA—Camille Picconatto; Staples High School (Westport, CT)—Joe Ball; Staples-Motley High School—Mrs. Schwichtenberg; Step by Step Montessori (Wayzata)—Olga Tregor; Stephen Senior High School—Gary Kotts; Stillwater Junior High—John Warnert, Mrs. Michaels;

Stonebridge Elementary—Mrs. Ivey, Mr. Kondrasuk, Ms. McKay, Ms. Studtman; Stowe Elementary—Robert Berg, Denise Nord; Studio Academy (Rochester)—Mr. Aakre; Sullivan Community Center—Susan Bell, Kaylen Gores, Mary Swenson; Sun Path Elementary—Mary Kornder; Sunday School—Amy Baker; Sunny Hill Preschool—Ruthann & Vicki; Sunny Hollow Montessori (St. Paul)—Anne Paul; Sunrise Park Middle School—Travis Littlefield, Huy Nguyen; Susan Lindgren Elementary—Sabrina Olson; Sweeney Elementary School—Jennifer Johnson; Talmud Torah of Saint Paul—Faye Bearman, Benji Latz, Robbi Nelson; Tartan High School—Jan Churchill, Gerard Coury, Tony Didier, Matt Duffee, Roy Erickson, Vicki Fellows, Kristin Gessert, Glen Hanson, Mrs. Hyers, Karen Hyers, Phylis Kirsch, Dan Krengel, Carolyn Merva, Jeff Patry, Jackie Reiter, Mr. Roleff, Dave Rutledge, Craig Spreiter, Grant Steves, Mandy Wineberg, Janice Yamamoto, Vicki Reiter, Mark Junod, Louise Weldon; Taylors Falls Elementary—Mike Ackertz, Mrs. Noyd, Sheila Sandell, Technology and Language School—Mr. Lee, Ken Habel; Temple Israel School—Fran, Heidi Trashish; Tesseract School—Robert Tuma; The Blake School—David Burton, Judy Ann Ehrlich, Will Fisher, Laura Larson, Mr. Olsen, Heinz Otto, Lisa Vaughnn, Larry Hester, Ms. Johnson, Kathryn Kaatz, Patti Loftus, Chris Passi; Thomas Lake Elementary—Brenda Fluke, Mrs. Hokkanen, Mrs. Tan;

Torah Academy—Aarah Aizman, Jill Singer; Totino-Grace High School—Tim Glynn, Tom Jeffries, Mary Newman, Dick Paul, Jason Schwalen, Ms. Sweet; Tracy High School—Jerome Rood; Transfiguration Catholic School—Bryan Collins; Trinity Catholic School—Mr. Heller, Sister Mary Lorentz, Marla O'Keefe; Trinity Lutheran School—Ron Anenson, Greg McCourt, Laura Yust; Trinity School at River Ridge—Ken Folkestad; Turtle Lake Elementary—Nancy Friendt, Joan McMahon, Dennis Nelson, Cheryl Wallin; Tuttle Elementary—Teresa Wisniewski; Twin Bluff Middle School—Amy Carlson, Amy Strusz; Twin Cities Academy—Erin Amundson, Shannon Gould, Mr. Koch, Gina Stine, Susan Webster; United South Central Elementary—Mrs. Dalton; Unity Elementary—Yvonne Sorenson; University Day Community School—Jan Schaffer; University Elementary—Nicole Nelson; University of Central Florida—Robert Wood; University of Minnesota—JoAnne Buggey, Ed Nater, Peter Ralston, Larry McDonough, Drew Sweetzer, Michael Root, Raymond Duvall, Maribeth Overland, Jeff Ratliff-Grain, Steve Andreasen, Lee Galda, Shirely Garner, Karen Jorgensen, Jerry Luckhardt; University of Saint Thomas—Karen Boros, Robert Brown, Robert Delhunty, Beth Middleton; University of Wisconsin—W.L. Bretnzel, David Furniss; Upsala Secondary School—Roxanne Lewis; Urban League Saint Academy—Liam Baucom-Orlofsky;

Vadnais Heights Elementary—Deb Girard, Ellie van Guilder; Valentine Hills Elementary—Cindy Mortenson, Leland Porath; Valley Crossing Community School—Shannon Casey, Elizabeth Dobbins, Jenelle Krech, Deb Laub, Ms. Thompson; Valley Middle School—Ross Alwin, Elaine Coglitore, Shaun Lindquist, Mary Spychalla; Valley View Middle School—Christine Ingram, Besty Navarro, Jon Moore, Florence Debard, Ms. Ebert, Greg Erbish, Jeffrey Grabow, Phil Holm, Lindsey Jacobson, Jon Baudek, Kristen Morcomb, Ms. Nasset, Cathy Weller; Vandenberge Junior High School—Kassea Boche, Mrs. Kurmis, William Pollard; Ventura High School—Arlys Arnold; Vista View Elementary—Mehan Murray; Wabasha-Kellogg High School—Beth Jewson; Wadena-Deer Creek Elementary—John Keanen, Jean Rortvedt; Wagner Elementary—Bryce Wendlandt; Waite Park Elementary—Ms. Ficocello, William Land, Ms. Maier, Ms. Penn, Sue Schweitzer, Ms. Thompson; Walker-Hackensack-Akeley Secondary School—Kelly Nelson; Waseca Central Intermediate School—Brenda Saemrow, Jody Schlichte; Waseca High School—Herb Streitz;

Waseca Junior High School—Sheryl Wilder; Washburn Elementary—Aimee Johnson, Ms. Schill; Washburn High School—Barb E., Nancy Gustafson, Christine Lamm, Perry Rudey, Gary Wald, Jennifer Welbaum, Mrs. Wells, Katy Winker, Allan Wurst; Washington Elementary (Alexandria)—Dave Gran, Deb Odland; Washington Elementary (Cloquet)—Mr. Goard, Karen McKenna; Washington Elementary (Crookston)—Nancy Neis; Washington Elementary (Mankato)—Gerald Hansen, Connie Long, Cindy Stone; Washington Elementary (Owatonna)—Jenni Bricko, Monica Konold; Washington Elementary (Willmar)—Earl Habben; Washington Middle School (Brainerd)—Letitia Laske; Washington Middle School (St. Paul)—Anne Johnson; Watershed High School—John Miller; Watertown-Mayer Elementary—Tyler Finkelson, Joan Fritzke, Mr. Rockhold, Colleen Kelzer; Waterville-Elysian-Morristown Junior High—Mrs. Wanless; Watkins Elementary—Don Ksar; Wayzata High School—Jeff Dahl, Grace Gamradt, Brenda Gonuea, Michelle Howe, Kevin Johnson, Ertwin Jones-Hermerding, Stacy Larson, Chuck Leonard, Gail Rains, Jan Reineck, Peter Schmit, Tom Tietze, Adam Tillotson, Bill Vieth, Chip Williams, Ken Zwach;

Webster Magnet Elementary—Robin Abel, Pam Anderson, Bob Blat, Chris Diaz de Leon, Ralph Helm, Diane Kastner, Ms. Lund, Ron Moeller, Mrs. Reinhardt, Niceta Smith, Laura Stirn; Westwood Elementary—Debbie Kaiser, Mrs. McCuster, Carl Nevils, Helen Swedien, Kari Sunberg, Westwood Elementary Staff—Pam Dugas; White Bear Lake High School—Dan Rossiter, Kari Sunbeg, Mr. Nakasone, Roger Storkamp, Tiffany Dittrich, Peggy Ludtke, Mrs. Bortot, Mrs. Braegar, Mrs. Christenson, Gary Cook, Karla Lauerman, Marci Markuson, Keif Svendsen, John Mwachlarowicz, Mrs. Wagner, Marcia Wellstone, Joe Rukavina; Watzata East Middle School—Karen Peters; Wayzata—Karen Boole, Ginny Hersey; Wayzata Central Middle School—Stacy Calvert, Anne Todd; Wayzata East Middle School—Rachel Schaeffer; Wayzata West Junior High School—Ron Billings; Wayzata West Middle School—Mary Anderson; Weaver Elementary—Michael McHatchensen, Amy Arntson, Beth Chapelaine; Weaver Lake Elementary—Bonnie Caper-Eckstein, Mrs. Foster, Mrs. Maetzold, Diane Nielson;

Webb Middle School—Christopher Paulson; Webster Elementary—Amy McGuire; Webster Open Elementary—Kathy Beaman, Beth Nilson, Martha Spriggs; Welcome Elementary—Mary Ann DeBus; Willow Lane Elementary School—Tracy Gripentrog, Marilyn House, Helen Lind, Susan Schnorr, Lisa Slack, Bev Sonnenburg; Willow Creek Middle School (Rochester)—Robyn Floyd, Frances Reisner; Willow Creek Intermediate Elementary (Owatonna)—Stacy Ginseky; Willmar High School—Linda Aune, Mark Miley, George Peper; William Byrne Elementary—Debbie Bigelow, Nicole Happe; Wildwood Elementary—Nan Rohde, Paula Tansom, Matthew Hoffman; Westwood Middle School—Robert Gibson, Mr. Kretchmar, Marianne Paulos, Trent Snyder; Westside Elementary—Jamie Follstad, Camille Donaldson, Paulette Schwen; Wenonah Elementary—Gail Ketter, Ms. Langseth; White Bear Lake Central Middle School—Genni Steele; White Bear Lake Preschool—Lori Castro; Whitewater High School—James Minette; Whittier Park Elementary—Sue Ohman; White Bear Lake—Judy Lund; West Elementary—Janice Buening; Carrie Ekert; Mrs. Loita.

ADDITIONAL STATEMENTS

COMMENDING THE LADIES AUXILIARY TO THE VETERANS OF FOREIGN WARS

• Mr. CHAMBLISS. Mr. President. I would like to take this opportunity to commend the Ladies Auxiliary to the Veterans of Foreign Wars for their great work on behalf of our military members and veterans, and specifically those veterans and military personnel in the State of Georgia.

For many years, the Ladies Auxiliary to the Veterans of Foreign Wars has been involved in supporting our brave men and women in uniform and their families. Throughout the country many Ladies Auxiliary to the Veterans of Foreign Wars are providing support and well wishes at our Nation's airports as soldiers, sailors, airmen, and marines leave and return from Afghanistan, Kuwait, and Iraq. Members of the Ladies Auxiliary to the Veterans of Foreign Wars also help the families of deployed troops meet such challenges as trying to fill the roles of absent parents, learning to stretch a reduced paycheck, and dealing with loneliness.

In the last year, the Ladies Auxiliary to the Veterans of Foreign Wars has provided many families and troops with Operation Uplink cards, which allow our troops to make long-distance phone calls to loved ones during challenging times. Additionally, members of the Ladies Auxiliary to the Veterans of Foreign Wars have personally helped deployed service members' families by babysitting, providing transportation, helping with weekly tasks like mowing the lawn and grocery shopping, but most of all by being good listeners.

The Ladies Auxiliary to the Veterans of Foreign Wars also provides scholarship funds for civically minded youth. Through various scholarship funds, the Ladies Auxiliary to the Veterans of Foreign Wars awards $37,500 annually. Young people benefiting from these awards have outstanding achievement in academics, volunteerism, and the creative arts, and these awards allow them to extend these achievements even further.

The Ladies Auxiliary to the Veterans of Foreign Wars also offers a unique program to its members. All members are eligible to receive a cancer grant, which is a lump sum gift given to a member who has been diagnosed with cancer. Two Cancer Research Fellowships are also offered by the Ladies Auxiliary to the Veterans of Foreign Wars. These grants are 1-year, $50,000 postdoctoral fellowships, which are awarded each year to eligible scientists. The auxiliary provides these fellowships so that researchers can devote one year full-time to the challenge of cancer research.

I hope my colleagues will join with me today in commending the ladies auxiliary for their service and contribution on behalf of our military personnel and veterans. The Nation should be proud and appreciative to have such an organization active and operating. I am especially proud to have them active in the State of Georgia and congratulate them for their accomplishments and their service to our country.•

RECOGNIZING THE CHESTERFIELD COUNTY EMS, POLICE AND FIRE DEPARTMENTS

• Mr. ALLEN. Mr. President, I am honored today to recognize the Emergency Medical Services, EMS, Police and Fire Departments of Chesterfield County. It is through their brave and steadfast actions during the floods of Tropical Storm Gaston that the lives of many Virginians were saved.

Throughout the evening and overnight hours on Monday, August 30, 2004, the remnants of Tropical Storm Gaston entered the Central Virginia area. Although the weather forecasts called for 1–3 inches of rain, Chesterfield County residents found themselves under as much as 10 inches of rain in some areas that night. As a result, numerous roads began to flood and several swift-water rescues had to be made in the complete darkness. These rescues tested the knowledge, skills and abilities of the members of Chesterfield Fire, Police and EMS; their heroic actions under the extreme pressures they faced that night saved many members of their community from life-threatening conditions.

Today, I commend: David A. Stone, James B. Anderson, Richard A. Holmes, Daniel Juan Robertson, Jim Fitch, Stuart Smith, Curtis Sink, Steve Stump, Mike Larkin, William Smith, Steve Traylor, Chris Harrell, Bill Jeffords, Mark Berry, Frank Blankenship, Brian Riffe, Jack Speed, Roger Warden, Bryce Ford, Brook Keenum, Rick Bucher, Jim Stanley and the many other rescuers from Chesterfield County who saved so many lives at their own peril on that fateful night.

I am pleased to recognize the selfless actions of these tremendous men and women, which demonstrate the incredible dedication, determination and courage they have in serving their community. Virginia should be proud of the brave work undertaken by the rescue workers in Chesterfield County. Their community is a better and safer place because of the job they did that night and each and every day.•

A TRIBUTE TO REV. DR. JOHN HERBERT SPENCER, SR.

• Mr. SHELBY. Mr. President, today I honor Rev. Dr. John Herbert Spencer, Sr. who passed away on October 1, 2004 at the age of 83. Dr. Spencer was a compassionate man whose selflessness and devotion to his faith, family and community will be remembered for generations.

Dr. Spencer, a native of Greene County, AL, was born on December 7, 1920, to Manuel and Annie Eatman Spencer. A graduate of the public schools in Greene County and Tuscaloosa, Dr. Spencer also attended Stillman College and Union Seminary. He became the pastor of Morning Star Baptist Church in Holt, AL in 1946 and remained at the church for 58 years. His leadership and devotion to the church spurred tremendous growth, including a new sanctuary and increased congregation.

He also preached at the following churches: Antioch Baptist Church in Hulls, AL, Hopewell Baptist Church in Lowndes County, Pleasant Green Baptist Church in Whitehall, New Mount Moriah Baptist Church in Tyler, and the Old Kingston Baptist Church in Prattville. Dr. Spencer also dedicated much of his time and energy to the National Baptist Convention, USA, Inc. and the Alabama Baptist State Convention, particularly as Missionary for the Northwest District since 1976 and locally as Record Secretary of the New Antioch Bethlehem District, NABD, Association and instructor in both the local and State Congress of Christian Education. He was the oldest and longest serving pastor in the NABD Association.

Dr. Spencer's influence played a vital role in the completion of the NABD Association's Religious Center and the Science Building and Dinkins Hall at Selma University. He served as both Vice Chairman and Chairman of the Board of Trustees for Selma University and was instrumental in efforts to secure the school's accreditation. Honorary Doctorate Degrees from Selma University, Birmingham Baptist Bible College and Easonian Theological Seminary are among his numerous awards and citations for his contributions to Baptist work.

Dr. Spencer married Lillian Brown Johnson in 1946, and they were the parents of eight children. He later married Kay Frances Turner in 1980, who survives him. He is also survived by his children: Rev. John H. Spencer, Jr. and his wife Debra; Rev. Simeon D. Spencer and wife Glynis; Dr. Marjorie Spencer Campbell and husband Willie, Lillian M. Spencer; Jannis M. Glover and husband Donald and Dr. Faye Spencer Maor and husband Terver. He is also survived by two step-sons: Dr. Otis S. Johnson and Paul L. Johnson and wife Angeline; twelve grandchildren, and one great granddaughter.

Indeed, Dr. Spencer's willingness to share his faith had a positive impact on everyone with whom he came in contact. He will be missed by his family, friends, and the many lives he touched through his ministry.•

THE 40TH ANNIVERSARY OF THE OAKLAND LIVINGSTON HUMAN SERVICES AGENCY

• Mr. LEVIN. Mr. President, I would like to take a moment to celebrate the 40th anniversary of the Oakland Livingston Human Services Agency. The mission of this agency is to help low-income, elderly and disabled individuals become self-sufficient, and OLHSA

has been extremely successful in this pursuit. With over 70 programs, OLHSA has assisted over 30,000 low-income, elderly and disabled individuals living in Oakland and Livingston counties become more self-reliant, thereby improving their quality of life. Over the last forty years, the efforts of OLHSA have improved the lives and livelihoods of Michigan citizens across the two counties.

Elderly citizens in Southeastern Michigan can turn to OLHSA for a variety of resources and services. Senior centers, located in Pontiac and Novi, provide facilities for older adults to eat nutritious meals, attend exercise classes and socialize. The Senior AIDES program provides employment and training opportunities for older adults, opening the door to career options that would otherwise be unavailable because of their age and/or inexperience. Volunteers are dispatched to homes around the community to assist elderly individuals with household chores and yard work that they can no longer perform themselves.

The Oakland Livingston Human Services Agency also provides support and advocacy to low-income families and other struggling individuals. If a family or an individual is in an emergency situation, they can turn to OLHSA for immediate help. OLHSA provides the necessary assistance to those in need through food banks, emergency utility assistance and emergency housing. In addition, the Oakland Livingston Human Services Agency provides long-term aid to the surrounding community. OLHSA's Financial Education Program offers informational classes on money management, tax law, insurance options and a variety of other topics. It also provides counseling on childcare, nutrition and other problems that face the community. Those who take advantage of these classes and counseling sessions acquire the knowledge and skills they need to make it on their own and overcome their problems. OLHSA has worked consistently to reduce the causes and consequences of poverty in Oakland and Livingston counties, and I know I can speak for my constituents when I say the people of Michigan sincerely appreciate the good work they have done.

I know my Senate colleagues will join me in offering congratulations to the Oakland Livingston Human Services Agency on its 40th anniversary. We recognize and thank the dedicated staff and volunteers who have made the organization successful over the years, and I wish them many more years of service to the community.●

THANK YOU, SENATE POSTMASTER HARRY GREEN

● Mr. LOTT. Mr. President, since September 11, 2001, outstanding members of our Senate family have stepped forward to deal with the many challenges this institution has faced. One such leader is Harry Green, who I appointed to be the Senate Postmaster in January 1997.

I have known Harry Green all my life.

I rise today to wish Harry the very best as he plans to retire yet again at the end of October and return to our native State of Mississippi.

Harry began his career in 1961 with the United States Postal Service in Pascagoula, MS. After only 10 years, he was promoted into a supervisory role which led to his becoming the postmaster in Pascagoula. In 1985 he was transferred to Lafayette, LA, where he served as postmaster there until his retirement in 1992.

After I became majority leader, I coaxed Harry out of retirement in 1997 to become the postmaster of the United States Senate.

During his tenure with the Senate Post Office, he has been faced with two significant biological/chemical challenges, anthrax in October 2001 and ricin in February 2004. Because of Harry's experience and demeanor, both attacks on the Senate were met with calm leadership and competent direction and stability.

After the 2001 anthrax incident, Harry led the Senate Post Office team in a collaborative effort with U.S. Postal Service representatives to ensure the delivery of mail in a safe and timely manner. He and his team have received accolades for their performance and responsiveness in combating these threats to the Senate mail service.

Harry also has proven himself an outstanding steward of appropriated funds. By utilizing existing resources and without compromising customer service, he has improved the quality of the Senate Post Office's service, in normal times as well as during crises, while still managing to spend about 58 percent less than other similar government agencies.

I wish Harry well as he plans his retirement as postmaster of the Senate and leaves the Washington, DC area to be closer to his family. Harry has a lovely bride, Ilone, of 42 years, four children and five grandchildren. His post-retirement plans are to return to Pascagoula and its picturesque view of the Gulf of Mexico where he can enjoy full-time his hobbies of boating and watching SEC football and NASCAR racing.

We will all miss Harry's excellent leadership, gentle nature and good humor here in the U.S. Senate. Harry, I will see you, riding our bicycles on the beach.●

AN AMERICAN PATRIOT

● Mr. CRAPO. Mr. President, I rise today to honor an American patriot who, although not American by birth, demonstrated the best ideals of our country. Steen Christian Fischer was born in 1920 in Copenhagen, Denmark; he died in August in Boise, ID, and I had the opportunity to get to know him during the last ten years of his life. Steen had a wonderful outlook on life and believed strongly in freedom and opportunity. Prior to the German occupation of Denmark during World War II he served in the Danish Navy. After the occupation, when the Navy was disbanded by the Germans, he joined the Danish Resistance and was a part of the remarkably successful evacuation of Danish Jews to neutral Sweden. He was ultimately captured by the Gestapo in Copenhagen, sentenced to be hanged, and transported to Neuengamme Concentration Camp near Hamburg. His sentence was not carried out as the paperwork never arrived. Of 106,000 inmates at Neuengamme only 55,000 survived. After 9 months in the camp, with the Allied army approaching, the surviving inmates were loaded onto a train to be transported to another camp, but he and some friends jumped off the train and escaped to freedom into the surrounding countryside. He spent the rest of the war hidden in various locations in Denmark. As soon as he could do so after the war ended, Steen emigrated to the United States and continued his quest for freedom and opportunity.

In New York State, he met a lovely young woman, Mary Anne Bruun, who also had Danish ancestry, and married her. Together they became the parents of seven children—Peter, Anne, Douglas, Barbara, Paul, Karin, and Mary. He called his children ''the best thing in his life'' and he passed his zest for life onto them. Steen was fearless and wanted to experience all that he could in the world. He told his children he wanted them to develop ''wide horizons;'' he was willing to go anywhere, do anything for the experience. Steen was the kind of guy who would take the dotted line on the map over the freeway every time. He was successful in passing down that philosophy to those seven children who have lived all over the world and are passing onto the next generation of Fischers that attitude of ''wide horizons.''

During Steen's last decade of life, he spent his time in Idaho where his commitment to freedom and his efforts during World War II were recognized by Idaho Governor Dirk Kempthorne. The Danish government considered him a hero and awarded him a war pension. His experiences were recorded for the U.S. Holocaust Museum and stand as a testament to the efforts of so many like him throughout the world who are committed to freedom.

Steen passed away in August of 2004 at the age of 83, having lived a remarkable, courageous life. He will be remembered by so many who loved him as well as many who had found freedom through his efforts during World War II. There is no higher compliment I can pay him that to call him a patriot who found freedom during some of the darkest times in our world's history. He will be missed, but never forgotten.●

AMERICAN PHARMACISTS MONTH

• Mr. JOHNSON. Mr. President, I would like to take this opportunity to acknowledge American pharmacists during American Pharmacists Month. Pharmacists play an important role in our health care system. Their contributions to the care of our country's citizens, especially our seniors, are key to the health of Americans.

Pharmacists are medication experts within our Nation's health care workforce. Each day, their efforts assist in improving the use and effectiveness of medications. Pharmacists are improving health care in community pharmacies, hospitals and health systems, nursing homes, hospice, and in patient's own homes through home-infusion therapies, as well as the uniformed services, the government, and in research and academic settings.

Pharmacists work towards making sure that consumers safely administer their medications, and to provide them with crucial information pertaining to possible side effects or complications of taking multiple medications. Pharmacists assist in providing the most effective combinations of prescription drugs to those who take more than one prescription at a time. Pharmacists are a critical part of our health care system and should be recognized and commended this month for their important role.

During the course of the debate on the Medicare prescription drug bill, I introduced a medication therapy management, MTM assessment amendment, which I was pleased to see accepted in the Senate passed version of the Medicare bill. While the amendment was not included in the version sent to the President for his signature, I was pleased to see an MTM program component incorporated. Establishment of such a program would allow pharmacists, in conjunction with physicians, to assist beneficiaries who have various chronic conditions manage their medications. Pharmacists will be able to help ensure that patients use medications appropriately, enhance the patient understanding of such medications and help reduce the risk of adverse reactions to drugs. Such a program highlights the important role that pharmacists play in helping Medicare beneficiaries to reduce the costs of prescription drugs.

As prescription drug prices continue to climb, it is all too important that we continue to support efforts that will help to alleviate this burden. As noted, pharmacists are a critical component of our health care workforce and therefore need to be provided with the tools that help them to best serve the public, as well as to continue to combat the rising prices of prescription drugs. During American Pharmacists Month, I call on my fellow Senate colleagues to join in a bipartisan effort to support our pharmacists by acknowledging and commending their hard work and dedication towards improving the effectiveness and overall cost of health care.•

TRIBUTE TO VALENTIN J. RIVA

• Mrs. MURRAY. Mr. President, today I pay tribute to the life of Valentin J. Riva—a friend and transportation industry leader that was taken from us at far too young an age. Earlier this month, I was shocked and saddened to learn that Val Riva had passed away suddenly as a result of complications from heart surgery. Val was only 50 years old. I and many of my colleagues who work closely on transportation policy will remember Val as a truly visionary leader and trusted colleague. Moreover, Val was an extraordinarily dedicated father and husband.

Over the last two decades, Val has held leadership positions in several transportation organizations. Throughout, Val has been an articulate advocate for investment in our Nation's transportation infrastructure. Val served as vice president of government affairs for the National Stone, Sand and Gravel Association from 1988 until 1991 and as vice president and general counsel of the American Road and Transportation Builders Association from 1991 until 1997.

From August of 1997 until the time of his unfortunate death, Val Riva served as president and chief executive officer of the American Concrete Pavement Association. And in his most recent position, Val not only continued to be a powerful voice in the fight for infrastructure investment, but he also was a strong proponent of making sure that adequate resources were being dedicated to advancing pavement technology and transportation research. We have often heard Members speak on this floor about the deteriorating condition of our Nation's roads and bridges. Val Riva recognized that we not only need to replace and rehabilitate those crumbling roads and bridges but we also need to conduct the necessary research to create new technologies that will help prolong the lifespan of our infrastructure.

Val Riva was also respected by his peers in the transportation industry. Best of all, Val had the rare gift of being both thoughtful and funny. He was considered a trusted colleague and, more importantly, a loyal friend to those individuals that had the good fortune to work with him. I consider myself extraordinarily lucky to be one of those individuals.

And while Val was very dedicated to his work in the transportation industry, there was no job more important or rewarding to him than being a father to Clare, Michael and David. No one ever had a meeting with Val without hearing about his children and hearing a historical reference. I express my heartfelt condolences to his three children and to his wife, Marti. Val's passing is much more than just their loss. It is a loss to the entire national transportation enterprise and the great many of us that recognized his leadership in it. While we will miss Val's personable nature, his humor and his strength, I and many of my Senate colleagues know that his contributions will live on for a very long time to come.•

PRAISING THE WORK OF CAROLE EDWARDS AND THE ONCOLOGY NURSING SOCIETY

• Ms. MURKOWSKI. Mr. President, today I pay tribute to Carole Edwards, RN, BSN, of Juneau, AK. Carole is the first recipient of the Oncology Nursing Society, ONS, Excellence in Oncology Nursing Health Policy and Advocacy Award. ONS established the award this year to acknowledge the efforts of the many oncology nurses who participate as state health policy liaisons and other members who are active in advocacy efforts.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. This year alone, 1.3 million Americans will hear the words, ''You have cancer.'' In addition, 556,000 will lose their battle with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment. Oncology nurses play a central role in the provision of quality cancer care as they are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience.

The Oncology Nursing Society is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals nationwide. Since 1975, the ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. To that end, ONS honors and maintains an historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support.

On behalf of the people with cancer and their families in my home State of Alaska, I would like to acknowledge Carole Edwards and thank her and ONS for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. Through Carole's and ONS's leadership, our Nation is charting a course that will help us win the war on cancer. I urge my colleagues to support them in their important endeavors.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the Senate amendment to the act (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Mr. GRANGER, Mr. GOODE, Mr. VITTER, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS and Mr. OBEY.

The message also announced that the House passed the bill (S. 211) to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes, with an amendment.

The message further announced that the House has passed the bill (S. 1134) to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, without amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4470. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010.

H.R. 4661. An act to amend title 18, United States Code, to discourage spyware, and for other purposes.

H.R. 5061. An act to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan.

H.R. 5213. An act to expand research information regarding multidisciplinary research projects and epidemiological studies.

The message further announced that, the House agreed to the resolution (H. Res. 842) requesting that the Senate return to the House of Representatives the bill of the Senate (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The message also announced that, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a 2-year term ending May 14, 2006, to fill the existing vacancy thereon: Ms. Elizabeth Prodomou of Boston, Massachusetts, to succeed Ms. Patricia W. Chang of San Francisco, California.

ENROLLED BILLS SIGNED

At 6:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 33. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the 'Robert J. Opinsky Post Office Building'.

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

H.R. 854. An act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

H.R. 2828. An act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 5122. An act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 2938. A bill to grant a Federal charter to the National American Indian Veterans Incorporated.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2949. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9613. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Inspection of Eggs'' (RIN0581-AB74) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9614. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Winter Pears in Oregon and Washington; Decrease of a Continuing Supplemental Assessment Rate for the Beurre d'Anjou Variety of Pears Grown in Oregon and Washington'' (FV04-927-2) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9615. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (FV04-993-2) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9616. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Country of Origin Labeling of Fish; Interim Final Rule'' (RIN0581-AC26) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9617. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mango Promotion, Research, and Information Order'' (RIN0581-AC05) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9618. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Doc. No. 04-025-2) received on October 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9619. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Livestock Mandatory Reporting Act of 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9620. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9621. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9622. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9623. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9624. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9625. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9626. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9627. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9628. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–9629. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of rear admiral (lower half); to the Committee on Armed Services.

EC–9630. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of general; to the Committee on Armed Services.

EC–9631. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of admiral; to the Committee on Armed Services.

EC–9632. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of general; to the Committee on Armed Services.

EC–9633. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of rear admiral; to the Committee on Armed Services.

EC–9634. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of officers authorized to wear the insignia of the next higher grade ; to the Committee on Armed Services.

EC–9635. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of a retirement; to the Committee on Armed Services.

EC–9636. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the authorization to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–9637. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the authorization to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–9638. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rule 19b-4, Filing With Respect to Proposed Rule Changes by Self-Regulatory Organizations, Form 19b-4, and Rule 11Aa3-2, Filing and Amendment of National Market System Plans, Under the Securities Exchange Act of 1934, and Regulation S-T, Mandated Electronic Submissions and Exceptions, under the Securities Act of 1933'' (RIN3235-AJ20) received on October 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9639. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC–9640. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (Including 4 Regulations, COTP Jacksonville 04-112, COTP San Francisco Bay 04-025, COTP Jacksonville 04-093, CGD05-04-191'' (RIN1625-AA00) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9641. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 5 Regulations), CGD05-04-166, CGD01-04-121, CGD01-04-116, CGD01-04-123'' (RIN1625-AA09) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9642. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Ballast Water Management Program for U.S. Waters USCG-2002-14273'' (RIN1625-AA52) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9643. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Atlantic Ocean, Chesapeake and Delaware Canal, Delaware Bay, Delaware River and its tributaries (CGD05-04-047)'' (RIN1625-AA87) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9644. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (Including 5 Regulations), CGD05-04-160, CGD13-04-039, CGD05-04-182, CGD05-04-184, CGD05-04-190'' (RIN1625-AA08) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9645. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Shipping and Transportation; Technical, Organizational and Conforming Amendments (USCG-2004-18884)'' (RIN1625-ZA03) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9646. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Upper Chesapeake Bay, Patapsco and Severn Rivers, MD (CGD05-04-135)'' (RIN1625-AA00) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9647. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Suisun Bay, Concord California (COTP San Francisco Bay 04-022)'' (RIN1625-AA87) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9648. A communication from the Secretary of Transportation , transmitting, pursuant to law, a report entitled ''National Plan of Integrated Airport Systems (NPIAS) 2005-2009''; to the Committee on Commerce, Science, and Transportation.

EC–9649. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska'' (RIN1018-AT58) received on October 7, 2004; to the Committee on Energy and Natural Resources.

EC–9650. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–9651. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delaware: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL#7825-5) received on October 7, 2004; to the Committee on Environment and Public Works.

EC–9652. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Florida: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7825-8) received on October 7, 2004; to the Committee on Environment and Public Works.

EC–9653. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks'' (FRL#7826-2) received on October 7 , 2004; to the Committee on Environment and Public Works.

EC–9654. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Allotment Formula for Interstate Monies Appropriated Under Section 106 of the Clean Water Act'' (FRL#7825-2) received on October 7, 2004; to the Committee on Environment and Public Works.

EC–9655. A communication from the Director of Finance and Administration, Delta Regional Authority, transmitting, pursuant to law, the Authority's Audited Financial Statements for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC–9656. A communication from the Deputy Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Klamath River and Columbia River Populations of Bull Trout'' (RIN1018-AI52) received on October 7, 2004; to the Committee on Environment and Public Works.

EC–9657. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Merchandise Fees Eligible to be Claimed as Certain Types of Drawback Based on Substitutions

of Finished Petroleum Derivatives'' (RIB1505-AB44) received on October 5, 2004; to the Committee on Finance.

EC–9658. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to a free trade agreement with five countries of Central America and the Dominican Republic; to the Committee on Finance.

EC–9659. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Interest Calculations'' (RIN0938-AL14) received on October 5, 2004; to the Committee on Finance.

EC–9660. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''United States Internal Revenue Service v. Donald Snyder 343 F3d 1171'' (AOD2004-41) received on October 7, 2004; to the Committee on Finance.

EC–9661. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 200) received on October 7, 2004; to the Committee on Finance.

EC–9662. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license for the export of defense articles or defense services in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–9663. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license for the export of defense articles or defense services in the amount of $100,000,000 or more to a Sea Launch Platform in International Waters, or French Guiana, or Kazhakstan; to the Committee on Foreign Relations.

EC–9664. A communication from the Chairperson, District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, pursuant to law, the Commission's annual report; to the Committee on Governmental Affairs.

EC–9665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-529, ''Alcoholic Beverage Penalty Act of 2004''; to the Committee on Governmental Affairs.

EC–9666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-530, ''Gallery Place Project Graphics Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-532, ''Juvenile Justice Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–9668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-531, ''Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-528, ''Fleeing Law Enforcement Prohibition Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9670. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, a report relative to FEC Form 13, Report of Donations Accepted for Inaugural Committee; to the Committee on Rules and Administration.

EC–9671. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, the Association's annual audit; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–529. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Central America Free Trade Agreement; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 113

Whereas, American sugar producers are among the most efficient in the world, with two-thirds of the world's sugar-producing countries producing at a higher cost than the United States; and

Whereas, Louisiana is one of the nation's top sugar-producing states, with sugar cane harvested on approximately four hundred fifty thousand acres spread across twenty-four parishes; and

Whereas, the sugar industry has an estimated two billion dollar economic impact on Louisiana with approximately seven hundred fifty million dollars in annual sales; and

Whereas, thirty-two thousand Louisianians directly depend on sugar for their livelihood; and

Whereas, American sugar producers currently work under a World Trade Organization tariff rate quota system that prohibits other countries from flooding the United States market with unfairly traded raw sugar; and

Whereas, flooding the market with unfairly traded sugar will depress the United States price, cause sugar loan forfeitures, significantly increase government costs, put sugar producers, mills, and refineries out of business, and hurt communities that depend on these sugar industries; and

Whereas, the sugar provisions in the Central America Free Trade Agreement allow Central American countries to increase the current quota of sugar they can ship into the United States by seventy-five percent next year with an additional two percent increase per year for the next fifteen years; and

Whereas, large increases in sugar imports will likely drive the domestic raw sugar price down below break-even levels for a large percentage of Louisiana sugar cane producers; and

Whereas, opening up the domestic market to high levels of imports could destroy the domestic industry in Louisiana, which is a vital economic engine for jobs and families; and

Whereas, the world sugar market is grossly distorted by government intervention, resulting in the dumping of surpluses onto the severely depressed world market; and

Whereas, bilateral and regional free trade agreements hurt the nations that unilaterally disarm themselves by opening their markets: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize congress to oppose the Central America Free Trade Agreement and the inclusion of sugar in all United States free trade agreements; Be it further

Resolved, That the Legislature of Louisiana urges the president to restrict all negotiations concerning sugar to the World Trade Organization; Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–530. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Finance.

HOUSE RESOLUTION NO. 659

Whereas, over the past few years the national economy has struggled unsuccessfully to rebound from the recession, and a strong and sustainable recovery remains elusive; and

Whereas, twenty-two percent of the nation's unemployed have been out of work for more than six months; and

Whereas, in November 2003, long-term joblessness reached a 20-year high; and

Whereas, the average duration for unemployment in January increased to 19.8 weeks, and for 16 consecutive months the long-term unemployment rate has exceeded 20 weeks; and

Whereas, in January 2004, the nation's unemployment rate remained at 5.6% and the Pennsylvania unemployment rate was 5.3%; and

Whereas, the President and Congress originally approved TEUC compensation to provide assistance to unemployed workers who were unable to find jobs before exhausting their regular benefits and to stimulate the economy by injecting dollars directly into local communities; and

Whereas, according to the United States Department of Labor's Bureau of Labor Statistics, between January of 2001 and December of 2003, the loss of private sector jobs stood at 2.9 million nationally and totaled 220,000 in the Commonwealth of Pennsylvania; and

Whereas, across the nation more than 1 million unemployed workers are expected to exhaust their regular benefits in the first quarter of 2004; and

Whereas, in January, 17,050 Pennsylvanians reached the end of their eligibility for unemployment benefits but still could not find jobs; and

Whereas, job growth in the Commonwealth of Pennsylvania has trailed working-age population growth by three percentage points since the recession began and the prospects for employment of long-term unemployed individuals remain bleak; and

Whereas, employers in the Commonwealth of Pennsylvania will benefit from increased consumer demand pumped into the Commonwealth economy by unemployed workers if TEUC benefits are extended: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to extend and make retroactive the Federal TEUC program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, George W. Bush, and to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–531. A resolution adopted by the General Assembly of the State of New Jersey relative to Social Security disability and workers' compensation benefits; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 73

Whereas, the Social Security Act currently limits the total sum that a permanently, totally disabled worker may receive in federal Social Security disability benefits and state workers' compensation benefits combined to 80% of the worker's pre-injury income; and

Whereas, that act, because of amendments made in 1981 to 42 U.S.C. 424a (a), limits the sum of Social Security disability and workers' compensation benefits by requiring that if the sum of Social Security disability benefits and workers' compensation exceeds that 80% cap, the Social Security benefits must be reduced by the excess amount; and

Whereas, the stated purpose of those 1981 amendments was to prevent disabled workers form collecting the full amount of both Social Security disability benefits and workers' compensation, which in some cases had resulted in the workers receiving benefits of substantially greater value than the value of their previous wages; and

Whereas, rather than just preventing the combined total of Social Security and workers' compensation benefits for the disabled from exceeding the value of previous wages, the amendments, because they do not adjust the 80% cap for inflation, have instead had the effect, over time, of steadily reducing the real value of the combined Social Security and workers' compensation benefits to those injured workers; and

Whereas, with sustained, substantial inflation causing the Consumer Price Index to increase more than 30% during the last 10 years and more than 100% in the last 20 years, the failure to adjust the 80% cap often has a devastating impact on the real value of the benefits on which many disabled workers depend; and

Whereas, the fact that the Social Security Act provides for the annual adjustment of Social Security benefits, including disability benefits, for changes in the Consumer Price Index, suggests that an historic goal of the act is to prevent inflation from eroding the value of benefits, a goal that is undermined, in the case of disabled workers who receive both Social Security disability and workers' compensation benefits, by the failure of the 1981 amendments to provide for the adjustment of the 80% cap for changes in the Consumer Price Index: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges Congress to amend the Social Security Act to provide that the calculation of the 80% limit on total combined Social Security and workers' compensation benefits for permanently and totally disabled workers under the act be based, not on the pre-injury earnings of the workers, but on those earnings adjusted for inflation which occurs after the injuries occur.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM–532. A resolution adopted by the House of Representatives of the General Assembly of the State of Delaware relative to Falun Gong practitioners in China; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 86

Whereas, Falun Gong, also know as Falun Dafa, is a peaceful and nonviolent form of personal belief and practice with millions of adherents in the People's Republic of China and elsewhere; and

Whereas, the spiritual and meditative practice of Falun Gong is based on truthfulness, compassion and tolerance, which was taught in private for thousands of years before Mr. Li Hongzhi introduced the practice to the general public in China in 1992; and

Whereas, Falun Gong is practiced freely in more than 50 countries by tens of millions of people; and

Whereas, since July 1999, the government of the People's Republic of China has forbidden Falun Gong practitioners to practice their beliefs, and has systematically attempted to eradicate the practice and those who follow it; and

Whereas, this policy violates the Constitution of the People's Republic of China as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; and

Whereas, According to the Falun Dafa Information Center, hundreds of thousands of people have been arrested, detained, imprisoned, sent to labor camps, treated with cruelty, tortured, persecuted and in many cases killed by authorities in China in connection with their practice of Falun Gong; and

Whereas, also according to the Falun Dafa Information Center, women in particular have been the target of numerous forms of sexual violence, including rape, sexual assault, and forced abortion; and

Whereas, the brutal oppression of peaceful practitioners of Falun Gong is a blatant violation of human rights; and

Whereas, according to a December 1, 2002 article in the Philadelphia Inquirer Magazine, Jingfang Yang, who is the sister of Thomas Jefferson University Hospital psychiatrist Michael J. Yang, has been imprisoned since October 30, 2002; and

Whereas, several permanent United States residents and citizens have been affected by this oppression and have been subjected to arbitrary detention, imprisoned, and tortured in the People's Republic of China; and

Whereas, Dr. Charles Li, a United States citizen, is among the detained practitioners who have been isolated from their families and loved ones; and

Whereas, on July 24, 2002 the United States House of Representatives passed House Concurrent Resolution 188 ''Expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners''; and

Whereas, on March 3, 2004 the United States House of Representatives passed House Resolution 530, as amended, which was a general resolution ''Urguing the appropriate representative of the United States to the 60th Session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China'' and specifically sought redress for the persecuted Falun Gong practitioners in China: Now, therefore, be it

Resolved by the House of Representatives of the State of Delaware, That it does hereby recognize the plight of practitioners of Falun Gong in China; and be it further

Resolved, that the United States Congress is urged to take all appropriate actions and to use all appropriate public and private forums to urge the Government of the People's Republic of China to release Falun Gong practitioners, to put an end to the practices of torture and other cruel, inhumane, and degrading treatment against them, and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by allowing Falun Gong practitioners to pursue their personal beliefs; and be it further

Resolved, that copies of this resolution be transmitted to the presiding officers of each house of the United States Congress, to each member of Delaware's Congressional Delegation, and to The Honorable Colin L. Powell, United States Secretary of State.

POM–533. A resolution adopted by the General Assembly of the State of New Jersey relative to the Mary Ann Collura Post Office Building; to the Committee on Governmental Affairs.

ASSEMBLY RESOLUTION NO. 167

Whereas, Mary Ann Collura became Fair Lawn's first female police officer in 1985; and

Whereas, eighteen years later, on the night of April 17, 2003, Collura became the Fair Lawn Police Department's first officer killed in the line of duty; and

Whereas, Collura was shot twice on the lawn of a Fair Lawn church, where she had raced to assist a Clifton, New Jersey police officer who was trying to arrest three men following a car chase; and

Whereas, a multi-state manhunt ensued for the main suspect, who fled to Florida, where he was later found and killed in a shootout with police; and

Whereas, Collura was a popular street cop known for her sense of humor, her many commendations, her love of motorcycles and her devotion to the protection and care of her neighbors; and

Whereas, in 1999, Collura instituted a program to distribute glow sticks to children on Halloween so the children would be clearly visible to motorists; and

Whereas, as a trailblazer for female law enforcement officers in Bergen County, Collura was always available to hear the concerns and issues facing other female officers and she routinely obtained the names and numbers of new female officers from the county, welcomed them to their department, and offered advice and an open ear to them; and

Whereas, Collura was courageous, kind, concerned about the world and people around her, very highly regarded by her fellow officers and beloved by the people of Fair Lawn; and

Whereas, bills, cosponsored by all of the Members of the New Jersey Congressional delegation, have been introduced in the United States House and Senate to honor the life of Mary Ann Collura by re-designating the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, and known as the Fair Lawn Main Post Office, as the Mary Ann Collura Post Office Building: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The General Assembly of the State of New Jersey memorializes the Congress of the United States to enact legislation redesignating the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the Mary Ann Collura Post Office Building.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be presented to the President of the United States Senate, the Speaker of the United States House of Representatives and every Member of the Congress elected from this State.

PO–534. A joint resolution adopted by the General Assembly of the State of Colorado relative to financial assistance for children of migrant workers; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION 04–1064

Whereas, changes in the United States economy in recent years have added new and different types of jobs to those traditionally performed by migrant workers in the agricultural sector of the economy; and

Whereas, many of these new fields have developed in the service industries associated with growing economic activities such as tourism, gaming, and the needs of high technology; and

Whereas, In addition to the migrant workers that are so important to agriculture, migrant workers in these other emerging areas of our economy will be a vital part of the growth and expansion of these industries; and

Whereas, the educational needs of the children of all migrant workers should continue to be a major concern of the federal and state governments; and

Whereas, children of all types of migrant workers can suffer from performance problems in our public schools due to many factors, including the effects of attending multiple schools necessitated by the cyclical relocation needs of their parents; and

Whereas, these performance problems can be detrimental to the educational environment of our public schools if not addressed; and

Whereas, the educational needs of children of migrant workers affects many communities in Colorado; and

Whereas, the children of migrant workers should be eligible for migrant student educational assistance regardless of the industry in which the migrant parents work: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the Sixty-fourth General Assembly, encourage the President of the United States and the United States Congress to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include children of migrant workers in all sectors of our economy; be it further

Resolved, That copies of this Joint Resolution be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each member of Colorado's Congressional delegation.

POM–535. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Men's Health Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 744

Whereas, male morbidity and mortality from preventable causes is substantial, with significant and alarming disparities among subpopulations of men based on race, ethnicity and socioeconomic status; and

Whereas, a silent health crisis is affecting the health and well-being of American men; and

Whereas, this health crisis is of particular concern to men but is also a concern for women, especially those who have fathers, husbands, sons and brothers; and

Whereas, the National Center for Health Statistics has shown that men have higher age-adjusted death rates than women for each of the top ten leading causes of death in the United States; and

Whereas, men are almost twice as likely as women to die from heart disease, and the incidence of stroke is more than 10% higher in men than in women; and

Whereas, men are 50% more likely to die from cancer than women; and

Whereas, the life expectancy gap between men and women has steadily increased from 1 year in 1920 to 5.5 years in 2000; and

Whereas, since women live longer and tend to marry older men, seven out of ten baby boom women will outlive their husbands, and many of these women can expect to be widows for more than 15 years; and

Whereas, older women are three times more likely than older men to be living alone, nearly twice as likely to reside in a nursing home and more than twice as likely to live in poverty; and

Whereas, more than half of the elderly widows now living in poverty were not poor before their husbands died; and

Whereas, studies show that health-related disparities between men and women are due in part to lack of awareness, poor health education and the low number of male-specific health programs; and

Whereas, men are half as likely as women to visit a doctor for regular checkups or to obtain preventative screening tests for serious diseases; and

Whereas, men's health is a concern for employers who lose productive employees and who pay the cost of medical care; and

Whereas, men's health is a concern for Federal and State Government and society, which absorb the enormous costs of premature death and disability, including the cost of caring for dependents; and

Whereas, every state has formed a commission to address women's issues or has established a women's health program, but only seven states have a commission to address men's issues or a men's health program; and

Whereas, educating men, their families and health care providers about the importance of early detection of male health problems can result in reducing mortality rates and improving the health of America's men and the economy: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, recognizing that Government health networks can be utilized to promote men's health and well-being, encourage the Congress to support passage of the Men's Health Act to secure access and remove barriers to health care for men and their family members and urge passage of state legislation addressing men's health issues.

POM–536. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 822

Whereas, on May 4, 2002, 14-year-old Christopher Kangas was struck and killed by a car while riding his bicycle in response to a fire in Brookhaven Borough, Delaware County, Pennsylvania, one block from the firehouse; and

Whereas, in the Commonwealth of Pennsylvania an individual may be a recognized firefighter in a local fire department with certain limitations on the kind of work that individual can perform at the scene of a fire and may be eligible for public safety officer benefits; and

Whereas, Christopher Kangas was a trained, regular firefighter who knew what he could and what he could not do at the scene; and

Whereas, Christopher Kangas was recognized by the Borough of Brookhaven and the Commonwealth of Pennsylvania as a firefighter; and

Whereas, after Christopher Kangas died, the Borough of Brookhaven and the Commonwealth of Pennsylvania gave him full honors and recognition as a fallen firefighter and the Commonwealth of Pennsylvania also provided full benefits to his family under the act of June 24, 1976 (P.L. 424, No. 101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, as a fallen firefighter; and

Whereas, the representative of the President of the United States to the Fire Service, United States Fire Administrator Dave Paulison, sent a letter of condolence to the family recognizing Christopher Kangas as a firefighter; and

Whereas, the Department of Justice which administers section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351, 42 U.S.C. §3796) has ruled for a second time that Christopher Kangas was not a public safety officer, despite the fact that the Commonwealth of Pennsylvania and the Brookhaven Fire Department legally maintained him on their rolls; and

Whereas, this ruling by the Department of Justice has denied his family the $267,000 line-of-duty benefit and has denied Christopher Kangas his rightful place at the National Fallen Firefighters Memorial in Emmitsburg, Maryland, along side his fellow fallen heroes; and

Whereas, the Department of Justice ruling not only ignored the facts but also the letter and spirit of section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968, which Congress enacted to provide benefits to any firefighter serving as an officially recognized member of a legally organized fire department, regardless of age or type of activities: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to enact H.R. 4472 which amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations, applicable to death or injuries which occurred on or after May 4, 2002; and be it further

Resolved, That a copy of this resolution be presented to the family of Christopher Kangas in recognition of his dedication to the Borough of Brookhaven and the Commonwealth of Pennsylvania as a firefighter; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the presiding officers of each House of Congress and to each member of Congress from Pennsylvania.

POM–537. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Pledge of Allegiance; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 96

Whereas, one of the founding principles of the United States of America was the free exercise of religion and religious beliefs; and

Whereas, the First Amendment to the Constitution of the United States declares that congress shall make no law establishing a religion or prohibiting the free exercise of religion; and

Whereas, the Louisiana Constitution of 1974, Article I, Section 8, similarly prohibits the enactment of law respecting an establishment of religion or prohibiting the free exercise of religion; and

Whereas, in celebrating the four hundredth anniversary of Christopher Columbus' discovery of America on October 11, 1892, the Pledge of Allegiance was written to honor the United States and to salute the flag; and

Whereas, the first words of the Pledge of Allegiance were published in September of 1892, in the Boston-based youth magazine, The Youth's Companion, and in less than one month, more than twelve million school children were reciting the words of the Pledge of Allegiance across the nation; and

Whereas, in June of 1942, the Pledge of Allegiance was officially sanctioned by the United States Congress when it was included in the United States Flag Code (Title 36), after almost fifty years of daily recitals in schools; and

Whereas, there have been four changes to the original Pledge of Allegiance, and the final change occurred on June 14, 1954 (Flag Day), when the words ''under God'' were added with the approval of President Dwight D. Eisenhower, who stated, ''In his way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war''; and

Whereas, this display of symbolic patriotism contained in the words of the Pledge of Allegiance is more critical today than ever before in our nation's history and should be maintained; and

Whereas, the Pledge of Allegiance, including the phrase ''one nation under God'', reflects the historical fact that a belief in God permeated the founding and development of the United States of America: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase ''one nation under God'' in the Pledge of Allegiance; be it further

Resolved, That suitable copies of this Resolution be transmitted to the chief justice of the United States Supreme Court, the speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana's congressional delegation.

POM–538. A resolution adopted by the House of Representatives of the Legislature of the State of Mississippi relative to judicial taxation; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 51

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has deviated from the intent of our Founding Fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by the way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, the lawmakers of Alabama, Alaska, Arizona, Colorado, Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wyoming, Mariana Islands and Guam have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the peoples' wishes: Now, therefore, be it

Resolved by the House of Representatives of the State of Mississippi:

(1) That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or to order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.''

(2) That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

(3) That the House of Representatives of the State of Mississippi also proposes that the Legislatures of each of the several states comprising the United States that have not yet made a similar request, apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution; be it further

Resolved, That the Secretary of State of the State of Mississippi transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the Legislature in each of the states in the Union, the Speaker of the United States House of Representatives and to each member of the State of Mississippi Congressional Delegation.

POM–539. A resolution adopted by the General Assembly of the State of New Jersey relative to small business loans; to the Committee on Small Business and Entrepreneurship.

ASSEMBLY RESOLUTION NO. 175

Whereas, the nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people, and

Whereas, the nation's 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually; and

Whereas, the men and women who own and operate the nation's small businesses make a vital contribution to the nation's prosperity through their ongoing work to create new technologies, products, and services; and

Whereas, the Small Business Administration was officially established in 1953 and for over 50 years has played a vital role in ensuring that the door to the American dream is truly open to all entrepreneurs; and

Whereas, the mission and high calling of the Small Business Administration is to champion the interests of the nation's entrepreneurs for the benefit of all Americans; and

Whereas, President Bush's proposed budget for fiscal year 2005 would cut federal funding to the Small Business Administration by $79 million and eliminate federal support for critical loan programs; and

Whereas, the proposed cuts would include the ''7(a) loan program,'' which provides affordable capital to small business start-ups through public/private partnership and has directly provided over 2,000 small businesses in New Jersey with approximately $451 million in loans; and

Whereas, the proposed cuts would also include the Microloan program, which allows entrepreneurs to secure loans of up to $35,000, and provided 134 small businesses in New Jersey with $2.6 million in loans: Now, therefore be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the United States Congress to restore funding for the Small Business Administration loan programs eliminated under President Bush's proposed budget for fiscal year 2005.

2. A duly authenticated copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and to all members of the New Jersey congressional delegation.

POM–540. A resolution adopted by the Board of Commissioners of Pitt County of the State of North Carolina relative to a tobacco buyout; to the Committee on Agriculture, Nutrition, and Forestry.

POM–541. A resolution adopted by the City Commission of the City of Lauderdale Lakes of the State of Florida relative to the effects of antifreeze chemistry; to the Committee on Environment and Public Works.

POM–542. A resolution adopted by the Board of Commissioners of the City of Millville of the State of New Jersey relative to pollution; to the Committee on Energy and Natural Resources.

POM–543. A joint resolution adopted by the Legislature of the State of California relative to pharmaceutical advertising; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 24

Whereas, the United States is one of just a few countries that allow pharmaceutical companies to advertise their prescription drugs; and

Whereas, in 1997, the federal Food and Drug Administration relaxed restrictions on the content of direct-to-consumer prescription drug advertising, withdrawing the prior requirement for a summary of side-effect and adverse reaction information and replacing it with a requirement for a statement about ''major risks'' but not ''all risks''; and

Whereas, the shorter ''major risk'' statement made television and radio advertisements about prescription drugs more practicable; and

Whereas, Pharmaceutical companies spent $1.6 billion on direct-to-consumer television advertising in 2000, up from $761 million in 1996; and

Whereas, while health care spending generally is expected to increase by an average of 7.9 percent per year between 1998 and 2010, exceeding the 5.2 percent annual growth of 1993 to 1998, total prescription drug expenditures will increase by 15 percent per year as early as 2004; and

Whereas, numerous studies have linked the increased direct-to-consumer advertising to the exponential growth in prescription drug expenditures; and

Whereas, surveys suggest that 50 percent of the public believes that direct-to-consumer advertisements of prescription drugs must be submitted to the government for prior approval, 43 percent believe that only ''completely safe'' drugs may be advertised directly to consumers, 22 percent believe that advertising of drugs with serious side effect has been banned, and 21 percent believe that only ''extremely effective'' drugs may be advertised directly to consumers, and yet, all of these beliefs are untrue; and

Whereas, consumers are placing pressure on their prescribers to prescribe these drugs, some cases, inappropriately; and

Whereas, in 1997, a study of family physicians revealed that 80 percent of them believed that direct-to-consumer advertising ''was not a good idea''; and

Whereas, the federal Food and Drug Administration has begun review of the policy that unleashed an explosive growth of prescription drug advertising: Now, therefore, be it

Resolved, That the President and Congress of the United States and the United States Department of Health and Human Services are memorialized to recognize the problems caused by direct-to-consumer advertising of prescription drugs by pharmaceutical companies; and be it further

Resolved, That the United States Food and Drug Administration is requested to aggressively monitor and regulate direct-to-consumer advertising of prescription drugs by pharmaceutical companies, pending action by the President and the Congress of the United States to limit, ban, or place increased restrictions on that advertising; and be it further

Resolved, That the President and the Congress of the United States are memorialized to limit or ban direct-to-consumer advertising of prescription drugs by pharmaceutical companies, or, alternatively, to require that those advertisements do the following:

(1) Remind consumers that prescribers and pharmacists are the best sources of information about appropriate medical treatment and drug therapy.

(2) Explicitly state the success and failure rates of drugs and compare them with other common products or no treatment.

(3) Mention alternate treatments by name and class.

(4) Recommend that consumers ask their prescribers and pharmacists if a generic equivalent is available for their condition.

(5) Refer consumers to independent sources of drug information; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President pro Tempore of the Senate, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the United States Department of Health and Human Services, and the Director of the United States Food and Drug Administration.

POM–544. A resolution adopted by the Legislature of the State of California relative to federal environmental permit and review process streamlining; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 30

Whereas, the State Office of Historic Preservation has the responsibility for processing approvals for federally funded transportation projects pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470 et seq.) and Section 4(f) of the federal Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240); and

Whereas, the State Office of Historic Preservation has the smallest support staff of any office with a similar function in any other state in the nation, but California has the largest transportation program; and

Whereas, the federal Transportation Equity Act for the 21st Century (Public Law 105–178), also known as TEA–21, provided funding for additional staff for the State Office of Historic Preservation; and

Whereas, review delays at the State Office of Historic Preservation continue to be identified as a bottleneck in moving transportation projects through the environmental review phase; and

Whereas, lack of involvement of federal resource agencies in the transportation planning process has been identified as a cause for project delivery delays; Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That California urges the President and Congress of the United States, the federal Secretary of Transportation, and the federal Department of Transportation to streamline the federal government review and permitting process by doing all of the following:

(a) Ensuring adequate funding for the State Office of Historic Preservation in California.

(b) Accelerating project delivery by developing a multiagency infrastructure team to be involved in the development of transportation projects from the early planning phase and continuing through the environmental permitting and construction phases. The multiagency team should include one or more representatives from each federal resource agency with decisionmaking and permit authority. Team members should commit to involvement in the early planning, environmental document preparation, permit review and issuance, and construction phases of a project. Resource agency representatives should be retained with transportation funds, and team members should be jointly selected by transportation and resource agencies. Transportation projects developed using the multiagency team approach would be expected to be completed within review deadlines outlined in the federal Endangered Species Act of 1973 and other relevant state and federal regulatory authorities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the federal Secretary of Transportation.

POM–545. A resolution adopted by the House of Representatives of General Assembly of the Commonwealth of Pennsylvania relative to Centers for Medicaid and Medicare Services; to the Committee on Finance.

HOUSE RESOLUTION NO. 753

Whereas, House Bill No. 297, Printer's No. 2623 (2003), which authorized the Department of Public Welfare of the Commonwealth of Pennsylvania to impose an assessment on nursing homes in exchange for an increase in Medicaid payment rates; was signed into law, Act 2003–25, on September 30, 2003; and

Whereas, the Centers for Medicare and Medicaid Services (CMS) has indicated that it will not approve Pennsylvania's September 2003 provider tax submission; and

Whereas, current Federal regulations clearly allow approval for the assessment as submitted; and

Whereas, the fiscal year 2003–2004 Pennsylvania State budget relies upon $320 million in revenue generated through the provider assessment to help fund the Commonwealth's Medicaid budget; and

Whereas, Pennsylvania's nursing facilities are being paid rates that have not increased since April 2003 because of the impasse between the Ccommonwealth and CMS regarding approval of the nursing home assessment submission; and

Whereas, the delay is causing severe financial difficulties for providers struggling to make available necessary services for Pennsylvania's most vulnerable senior citizens; and

Whereas, there are few acceptable alternatives available if CMS does not approve Pennsylvania's September 2003 provider tax submission; and

Whereas, irreparable harm to some of Pennsylvania's most frail and vulnerable senior citizens could occur if this impasse remains unbroken; and

Whereas, it is the responsibility of the Federal and State Governments to develop long-term solutions to the problems of controlling escalating Medicaid budgets without calling on nursing homes and nursing home residents to fund Medicaid: Therefore, be it

Resolved, That the House Representatives of the Commonwealth of Pennsylvania urge CMS to approve the Commonwealth of Pennsylvania's application of September 2003, which would allow the Commonwealth to implement its assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; and be it further

Resolved, That the Governor urge Pennsylvania's congressional delegation to work with the Bush Administration and CMS to ensure approval of Pennsylvania's application of September 2003; and be it further

Resolved, That a copy of this resolution be transmitted to the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850, and to each member of Congress from Pennsylvania.

POM–546. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Australian Free Trade Agreement; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 195

Whereas, the Louisiana dairy industry yields nearly five hundred ten million pounds in total milk production with an economic impact of one hundred eighty-three million dollars; and

Whereas, thousands of Louisianians depend directly on the dairy industry for their livelihood; and

Whereas, there has been a fifty percent decline in the number of dairy farms, dairy cows, and total statewide milk production during the past ten years; and

Whereas, dairy industries in other states have also suffered declines in production due to the cost of milk production and lower federal minimum support prices; and

Whereas, recently the Bush administration and Australian trade representatives entered into the Australian Free Trade Agreement (AUSFTA); and

Whereas, although AUSFTA retains current over-quota tariffs, it still opens the door to milk protein concentrates and casein imports from Australia; and

Whereas, the surge in milk protein concentrates and casein imports has created a negative ripple effect economically for Louisiana dairy producers who have suffered because of reduced milk sales, lower prices, and a weakening of the dairy price support program; and

Whereas, milk protein concentrate and casein imports have ranged between eight hundred million and one billion pounds in the past six years, and the imported quantity of both continues to grow; and

Whereas, milk protein concentrates and casein imports are currently entering the country with no duty and no quota; and

Whereas, free trade agreements hurt the nations that unilaterally disarm themselves by opening their markets: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize congress to oppose the Australian Free Trade Agreement (AUFSTA) and other free trade agreements which are harmful to American dairy producers; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–547. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to the Postal Service; to the Committee on Governmental Affairs.

POM–548. A resolution adopted by the Legislature of the State of California relative to vocational and technical education; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 31

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 (Section 2301 of Title 20 of the United States Code) has been a significant source of funding for career and technical education programs in California's high schools, regional occupational centers and programs, adult education, and community colleges; and

Whereas, California's career and technical education programs educate approximately three million high school and adult students annually in state-of-the-art technology and advanced careers, preparing them to become productive, contributing citizens in a rapidly changing economy; and

Whereas, career and technical education is composed of rigorous, demanding coursework that enhances student academic achievement by applying core academic skills; and

Whereas, eighty-five percent of students who complete career and technical education programs go on to receive high school diplomas; and

Whereas, participation in these programs reduces dropout rates by approximately 35 percent; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has supported professional development for career and technical educators; including, the integration of State Board of Education adopted academic standards into career and technical education courses, training in new and emerging technologies, and effective, research-based instructional strategies; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has provided career development, support services, and job training to hundreds of thousands of students who have faced significant barriers to successfully transitioning from high school to careers or higher education; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has greatly contributed to the development of California's workforce in high skill, high demand, and emerging career fields: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California State Legislature urges the United States Congress to continue and fully fund the Carl D. Perkins Vocational and Technical Education Act of 1998, and, without partisanship, endorses the Carl D. Perkins Vocational and Technical Education Act of 1998; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–549. A resolution adopted by the Society of Mayflower Descendants of the State of Rhode Island relative to its Resolution dated January 10, 2001; to the Committee on Indian Affairs.

POM–550. A resolution adopted by the State of Illinois relative to National Gymnastics Day in Illinois; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2628. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 108–392).

S. 2657. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes (Rept. No. 108–393).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2815. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes (Rept. No. 108–394).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1217. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 108–395).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2645. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes (Rept. No. 108–396).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 108–397).

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 Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mrs. BOXER, Mr. NELSON of Nebraska, Mr. INOUYE, and Mr. AKAKA):

S. 2943. A bill to convert certain temporary judgeships to permanent judgeships, to create an additional judgeship for the district of Nebraska, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 2944. A bill to provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2945. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, Firearms, and Explosives can waive prohibitions on the possession of firearms by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2946. A bill to promote small business growth, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 2947. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2948. A bill to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. LEAHY, Mr. DODD, Mr. REED, Mr. BIDEN, Mr. KENNEDY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. SARBANES, Ms. SNOWE, Mr. SCHUMER, Mr. KOHL , Mr. CHAFEE, Mr. AKAKA, Mr. DORGAN, Ms. CANTWELL, and Mr. DASCHLE):

S. 2949. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes; read the first time.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2950. A bill to amend title XIX of the Social Security Act to prohibit payments to States under the medicaid program for redispensing prescription drugs; to the Committee on Finance.

By Mr. HATCH:

S. 2951. A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 2952. A bill to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization, to improve pipeline and hazardous materials transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 2953. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2954. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. CONRAD):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. BOND:

S. 2956. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. KYL (for himself, Mr. SMITH, and Mr. DOMENICI):

S. 2957. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine, and for other purposes; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2958. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Bear/Bear Creek Sub-basins in Oregon; to the Committee on Energy and Natural Resources.

By Mr. DAYTON:

S. 2959. A bill to amend the Public Health Service Act to ensure an adequate supply and distribution of influenza vaccine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of Florida:

S. 2960. A bill to amend title 23, United States Code, to establish a traffic incident management program; to the Committee on Environment and Public Works.

By Mr. BROWNBACK (for himself and Mrs. DOLE):

S. 2961. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Finance.

By Mr. DAYTON:

S. 2962. A bill to require the Secretary of Commerce to implement a system for the collection and reporting of comprehensive information on the foreign operations of United States corporations and the foreign investments of United States investors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 2963. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 2964. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself and Mr. HARKIN):

S. 2965. A bill to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting; considered and passed.

By Mr. CRAIG (for himself, Mr. DASCHLE, and Mr. SCHUMER):

S. 2966. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 2967. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. KENNEDY, Mr. WARNER, Mr. DASCHLE, Ms. SNOWE, Mr. DODD, Mrs. CLINTON, Mr. DORGAN, Mr. BAYH, Mr. SCHUMER, Mr. JOHNSON, and Mr. DAYTON):

S. 2968. A bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. BIDEN, Mr. LEAHY, Mr. MCCAIN, Mr. SUNUNU, and Mr. DODD):

S. Con. Res. 142. A concurrent resolution recognizing the significant achievements of the people and Government of Afghanistan since the Emergency Loya Jirga was held in June 2002 in establishing the foundation and means to hold presidential elections on October 9, 2004; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself, Mrs. MURRAY, Mr. FRIST, and Ms. COLLINS):

S. Con. Res. 143. A concurrent resolution recognizing community organization of public access defibrillation programs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 847

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 874

At the request of Mr. TALENT, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1304

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Mr. SARBANES) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1890

At the request of Mr. ENZI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2146

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2146, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2447

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2447 , a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States

Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2734

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 2734, a bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2860

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2860, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2869

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2869, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Tennessee (Mr. FRIST), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER), the Senator from South Carolina (Mr. GRAHAM), the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. CAMPBELL), the Senator from Florida (Mr. NELSON), the Senator from Mississippi (Mr. LOTT), the Senator from Nevada (Mr. ENSIGN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2900

At the request of Ms. MURKOWSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2900, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to civil rights and dignity of the Native peoples of Alaska and the Nation.

S. 2905

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2905, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 2909

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2909, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area.

S. 2923

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2923, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2939

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2939, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 2942

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2942, a bill to amend the Internal Revenue Code of 1986 to provide that combat pay be treated as earned income for purposes of the earned income credit.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in may each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 33

At the request of Mr. CRAIG, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Utah (Mr. BENNETT) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 408

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

S. RES. 453

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 453, a resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2944. A bill to provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing legislation regarding the way the trade policies of the United States affect the ability of developing countries to access to generic drugs.

The bill addresses concerns that this Administration, through the United States Trade Representative, is pursuing policies that will make it even more difficult for developing countries to gain access to the drugs they need, particularly generics, to treat their public health problems like TB, HIV/AIDS and malaria. This is just wrong.

The policies the Administration seeks to put in place are data exclusivity provisions. Such provisions tend to benefit drug manufacturers. As reported in The Wall Street Journal and elsewhere, when these provisions are included trade agreements they essentially bar countries from being able to get more affordable generic drugs for a period of time, usually five years.

Trade agreements should be about promoting trade. People in developing

nations who are suffering from such epidemic diseases should not be denied access to affordable medicines because of trade agreements.

The purpose of what is known as the Doha Declaration was to clarify that trade rules on intellectual property would not interfere with the ability of developing countries to take measures to protect public health. The legislation I am introducing today would prohibit USTR from spending any funds in order to impose data exclusivity for drugs used to treat HIV/AIDS, tuberculosis, or other epidemics, or needed in circumstances of extreme urgency, or national emergency.

I am not one to trample on the need to protect trade secrets, but I cannot condone policies that inhibit developing countries from being able to address their own public health needs. In today's world, it is shortsighted to think that infectious diseases cannot cross borders. By allowing developing countries access to generic drugs, we not only help improve health in those nations, we also help ourselves control these debilitating and often deadly diseases.

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. 2944

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

SECTION 1. LIMITATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated or otherwise obligated to the United States Trade Representative may not be expended to negotiate data exclusivity provisions with any country with respect to public health pharmaceutical products or to require actions of another country which interfere with a country's access to public health pharmaceutical products.

(b) DEFINITIONS.—In this section:

(1) DATA EXCLUSIVITY PROVISION.—The term ''data exclusivity provision'' means a provision that restricts for a set period of time a country from approving for sale generic public health pharmaceutical products based on original clinical data of public health pharmaceutical products previously approved for sale.

(2) PUBLIC HEALTH PHARMACEUTICAL PRODUCTS.—The term ''public health pharmaceutical products'' means any patented pharmaceutical product, or pharmaceutical product manufactured through a patented process, needed to treat HIV/AIDS, tuberculosis, malaria, or other epidemics, or needed in circumstances of extreme urgency or national emergency in accordance with the Decision of the General Council of 30 August 2003 on the Implementation of Paragraph Six of the DOHA Declaration on the TRIPS Agreement and Public Health and the WTO General Council Chairman's statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively known as the ''TRIPS/health solution'').

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2945. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, Firearms, and Explosives can waive prohibitions on the possession of firearms by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today, along with Senator LAUTENBERG, to introduce legislation to help ensure that convicted felons are not permitted to legally possess dangerous weapons. The bill would eliminate a discredited program under which convicted felons can apply to the Bureau of Alcohol, Tobacco and Firearms, ATF, to seek a waiver that allows them to possess firearms or explosives.

Under Federal law, those convicted of felonies generally are prohibited from possessing firearms. However, ATF is authorized to grant a waiver from this prohibition if it believes that an individual is not likely to act in a manner that threatens public safety.

Interestingly, this waiver authority was enacted not to permit common criminals to obtain guns, but to assist a company called Winchester, which manufactures firearms. Winchester's parent company, Olin Mathieson Chemical Corporation, had been convicted of a felony involving a kickback scheme. As a result, Winchester was legally prohibited from shipping firearms in interstate commerce. The provision was approved to allow Winchester to stay in business.

Because the provision was drafted broadly, however, the waiver provision applied to common criminals. Originally, waivers could not be granted to those convicted of firearms offenses. But in 1986, Congress expanded the law to allow even persons convicted of firearms offenses, and those involuntarily committed to a mental institution, to apply for a waiver.

Between 1981 and 1991, ATF processed more than 13,000 applications. These applications required some of ATF's best agents to abandon their law enforcement responsibilities and instead conduct extensive investigations on behalf of convicted felons. In the late 1980's, the cost of handling these petitions worked out to about $10,000 for each waiver granted—costs borne by ordinary taxpayers.

The Violence Policy Center investigated 100 cases in which a convicted felon had been allowed to legally possess firearms. In 41 percent of those cases, the felon had been convicted of a crime of violence, or a drug or firearms offense. The crimes of violence included several homicides, sexual assaults and armed robberies.

Between 1981 and 1991, 5600 waivers were granted. In many cases, those who regained their gun privileges later used their guns to commit serious crimes, such as attempted murder, rape, kidnapping, and child molestation.

This program makes no sense. It is not fair to taxpayers, who must foot the bill for ATF investigations. It is not fair to ATF agents, who have much more important things to do. And, most importantly, it is not fair to the public, whose safety is put at risk when convicted felons are allowed to carry guns.

Fortunately, there has long been bipartisan support for blocking the program. Since 1992, Congress has prohibited the use of appropriated funds to implement it, and President Bush's budget proposes that the prohibition be retained. Yet funding bans in appropriations bills are stopgap measures that are effective for only a single fiscal year. It is time to eliminate the waiver program permanently.

I urge my colleagues to support the legislation and 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. 2945

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 ''No Guns for Felons Act''.

SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS.

(a) IN GENERAL.—Section 925(c) of title 18, United States Code, is amended—

(1) in the first sentence by inserting ''(other than a natural person)'' before ''who is prohibited'';

(2) in the fourth sentence—

(A) by inserting ''person (other than a natural person) who is a'' before ''licensed importer''; and

(B) by striking ''his'' and inserting ''the person's''; and

(3) in the fifth sentence, by inserting ''(1) the name of the person, (2) the disability with respect to which the relief is granted, (3) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (4)'' before ''the reasons therefor''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 2947. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise to introduce the Taxpayer Abuse Prevention Act. Earned income tax credit (EITC) benefits intended for working families are increasingly being reduced by the growing use of refund anticipation loans, which typically carry triple digit interest rates. According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for tax assistance, electronic filing of returns, and high-cost refund loans in 2002. The interest rates and fees charged on refund anticipation loans (RALs) are not justified

for the short length of time that these loans cover and the minimal risk they present. These loans carry little risk because of the Debt Indicator program. The Debt Indicator (DI) is a service provided by the Internal Revenue Service that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

Unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by their reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My bill will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers, and expand access to opportunities for saving and lending at mainstream financial services.

My bill prohibits refund anticipation loans that utilize EITC benefits. Other Federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. My legislation will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary in the future.

I am deeply troubled that the Department of the Treasury plays such a prominent role in the facilitation and subsequent promotion of refund anticipation loans. In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the DI was reinstated in 1999, according to H&R Block, to ''assist with screening for electronic filing fraud and is also expected to substantially reduce refund anticipation loan pricing.'' Although RAL prices were expected go down as a result of the reinstatement of the DI, this has not occurred. The Debt Indicator should once again be stopped. The DI is helping tax preparers make excessive profits of low- and moderate-income taxpayers who utilize the service. If the Debt Indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefit away from low-income families and allow unscrupulous preparers to take advantage of low-income taxpayers. My bill terminates the DI program. In addition, my bill removes the incentive to meet Congressionally mandated electronic filing goals by facilitating the exploitation of taxpayers. My bill would prevent any electronically filed tax returns that resulted in tax refunds that were distributed by refund anticipation loans from being counted towards the goal established by the IRS Restructuring and Reform Act of 1998 that the IRS have at least 80 percent of all returns filed electronically by 2007.

My bill also expands access to mainstream financial services. Electronic Transfer Accounts (ETA) are low-cost accounts at banks and credit unions that are intended for recipients of certain Federal benefit payments. Currently, ETAs are provided for recipients of other federal benefits such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a RAL.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and provides immediate access to the opportunities found at banks and credit unions.

I want to thank my colleagues, Senator BINGAMAN and Senator DURBIN for cosponsoring the legislation. I also thank Representative JAN SCHAKOWSKY for introducing the companion legislation in the other body. I ask unanimous consent that the text of the Taxpayer Abuse Prevention Act be printed following my remarks. I also ask unanimous consent that the text of a support letter from the Association of Community Organizations for Reform Now, the Children's Defense Fund, the Consumer Federation of America, Consumers Union, and the National Consumer Law Center, be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill and a letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2947

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 ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or right shall be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

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

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. DETERMINATION OF ELECTRONIC FILING GOALS.

(a) IN GENERAL.—Any electronically filed Federal tax returns, that result in Federal tax refunds that are distributed by refund anticipation loans, shall not be taken into account in determining if the goals required under section 2001(a)(2) of the Restructuring and Reform Act of 1998 that the Internal Revenue Service have at least 80 percent of all such returns filed electronically by 2007 are achieved.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

SEC. 7. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

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

SEC. 8. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 9. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

NATIONAL CONSUMER LAW CENTER INC,
Washington, DC, July 12, 2004.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Association of Community Organizations for Reform Now (ACORN), Children's Defense Fund, Consumer Federation of America, Consumers Union, and National Consumer Law Center (on behalf of its low-income clients), write to support your bill, the ''Taxpayer Abuse Prevention Act.'' By prohibiting lenders from making loans against the Earned Income Tax Credit, this bill would greatly reduce the scope of abuses caused by refund anticipation loans (RALs), which carry effective annualized interest rates of about 70% to over 700%.

As you know, over 55% of consumers who receive RALs are beneficiaries of the Earned Income Tax Credit. In 2002, EITC recipients paid about $749 million in loan and ''administrative'' fees for RALs. These fees divert hundreds of millions of EITC dollars, paid out of the U.S. Treasury, into the coffers of multimillion dollar commercial preparation chains and big banks. It's time to stop lenders from making high cost, abusive loans using the precious dollars intended to support working poor families.

Furthermore, we support the ''Taxpayer Abuse Prevention Act'' for its provisions that halt several of the most egregious practices of RAL lenders, such as seizing taxpayers' tax refunds as a form of debt collection and slipping in mandatory arbitration clauses, which leave RAL consumers without their day in court. Moreover, we appreciate the termination of the IRS Debt Indicator program, which would stop the IRS's practice of sharing taxpayer's personal financial information in order to make RALs more profitable for lenders. Finally, we applaud the provisions of the bill that support linking unbanked taxpayers with bank accounts, such as the provision to permit them to open Electronic Transaction Accounts to receive federal tax refunds.

Thank you again for all your efforts to combat taxpayer abuse by the RAL industry.

Sincerely,

MAUDE HURD,
National President, Association of Community Organizations for Reform Now.

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.

CHI CHI WU,
Staff Attorney, National Consumer Law Center.

DEBORAH CUTLER-ORTIZ,
Director of Family Income, Children's Defense Fund.

SHELLEY CURRAN,
Policy Analyst, Consumers Union.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2950. A bill to amend title XIX of the Social Security Act to prohibit payments to States under the medicaid program for redispensing prescription drugs; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce legislation to close a gaping loophole in the Medicaid law that allows pharmacies to double bill the Medicaid program for prescription drugs.

As you may know, many States are now encouraging or requiring health care facilities to return unused prescription drugs for Medicaid patients to pharmacies for re-dispensing as a way to save money. These drugs go unused because a nursing home patient has died, the prescription was incorrect, or the patient no longer needs the drugs.

Certainly, we should encourage states and pharmacies to re-dispense rather than simply discard these prescription drugs. However, while some States, including Connecticut, Missouri, and Texas, have laws that require pharmacies that re-stock drugs for re-dispensing to credit the State Medicaid program, many, including New Jersey, do not. This has resulted in pharmacy companies double charging Medicaid—for the sale and resale—of the restocked drugs.

We have an obligation to close this loophole. At a time in which all 50 States are proposing cuts to their Medicaid programs because of skyrocketing costs and the burden of these costs on the Federal Government continues to grow, we must eliminate such wasteful spending.

The absence of any Federal or State law or regulation prohibiting this practice has left our courts with no option but to allow this practice to continue. For example, a recent Third Circuit Court of Appeals decision found that a New Jersey pharmacy company, Omnicare, had indeed double charged the State's Medicaid program when it charged Medicaid twice for the sale and resale of restocked drugs. Because there was no State or Federal law prohibiting such double charges, however, the court could not assess penalties against the company. Writing for the court, Judge Jane Roth said, ''We are constrained by a lack of a regulation. We believe that Congress and/or the New Jersey legislature might serve Medicaid well if this lack of regulation were corrected.''

My legislation will close this loophole by prohibiting federal reimbursement for any prescription drugs that have been re-stocked. Recognizing that pharmacies that restock prescription drugs incur costs in verifying the integrity of the drugs and placing them back into the pharmacy's inventory, my legislation allows states to provide reasonable reimbursements to pharmacies for these costs.

In closing, I want to state that I am open to working with the Administration to close this loophole. I think that the Centers for Medicare and Medicaid have the authority to close this loophole and I hope that they will take immediate action to address this problem. This practice of double billing is nothing short of fraud. Congress and the Administration have a duty to safeguard the Medicaid program from such fraud, waste, and abuse. I urge my colleagues to join me in the effort to do just that.

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. 2950

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

SECTION 1. PROHIBITION ON PAYMENT FOR REDISPENSING PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (20), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(21) with respect to any amount expended for redispensing a prescribed drug, other than in accordance with guidance of the Secretary that—

''(A) specifies the circumstances under which redispensing of a prescribed drug shall be permissible; and

''(B) allows for a reasonable restocking fee that takes into account the costs of inspection and inventory processes for redispensing.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

Mr. HATCH. Mr. President, I rise today to introduce the Paiute Land Adjustments Act. This bill would authorize the Secretary of the Interior to convey or transfer four small Paiute trust land parcels totaling about five acres. My introduction of this bill at the closing of the 108th Congress is to show my support to the Paiute Tribe, the city of Richfield, UT and to Congressman CHRIS CANNON's companion measure, H.R. 3982, which has passed the House and has been held at the desk in the Senate.

There are, however, some minor aspects of H.R. 3982 which I believe merit some clarification and may even require future technical amendments. The bill I am introducing today reflects some of the minor changes that have been requested by the Senate Indian Affairs Committee, and my introduction of the bill is also an effort to get those clarifications on record.

I do strongly support the passage of H.R. 3982, and I am working with Chairman BEN NIGHTHORSE CAMPBELL of the Senate Indian Affairs Committee and Senate leadership to secure its final passage before the close of this Congress.

The Paiute Land Adjustments Act would allow the Paiute Indian Tribe of Utah to convey at fair market value three acres of trust land to the city of Richfield, UT. This land transfer would allow expansion of the Richfield Municipal Airport and provide the Tribe with proceeds to purchase land that has economic development potential.

The city of Richfield approached the tribe about acquiring this parcel of land adjacent to the airport runway. The tribe agreed and the Paiute Tribal Council passed Resolution 01–36, unanimously agreeing to the conveyance of this parcel of land to the city. In 1974, the private nonprofit Utah Paiute Tribal Corporation acquired the three-acre parcel of land in fee for the purpose of economic development. With the passage of the Paiute Indian Tribe Restoration Act in 1980, the land was placed into trust. The land has not been used by the tribe for more than 20 years. It is not contiguous to the Paiute's Reservation and for nearly 30 years now has had no economic development potential. The tribal resolution expresses the Paiute's desire to accept the city's offer to purchase the land at fair market value and serves as the request to the Secretary of the Interior to convey the trust land. However, only an act of Congress may authorize this land conveyance.

The Paiute Land Adjustments Act would also transfer three trust land parcels, each an acre or less in size, from the tribe to its Kanosh and Shivwits Bands. All parcels would remain in trust status. The first parcel of one acre would be transferred from land held in trust by the United States for the Paiute Tribe to land held in trust for the Kanosh Band. This parcel is surrounded by 279 acres of land that is either owned by the Konosh Band or held in trust for the Konosh Band. For more than 20 years, the sole use of this land has been for the Kanosh Band Community Center. The second parcel, two-thirds of an acre in size, would also be transferred from the tribe to the Kanosh Band. The land has been used exclusively by the Kanosh Band. It was originally intended that the land be taken in trust for the Kanosh Band in 1981 under the Paiute Indian Tribe of Utah Restoration Act. However, through an administrative error, the land was mistakenly placed in trust for the tribe. By way of several Band resolutions, the Kanosh Band has formally requested correction of this error.

The third parcel of land, less than an acre in size, would be transferred from the tribe to be held in trust for the Shivwits Band. The land already is surrounded by several thousand acres of land held in trust for the Shivwits Band, and its sole use has been for the Shivwits Band Community Center.

Finally, the bill would eliminate the word ''city'' from the current official name of the ''Cedar City Band of Paiute Indians,'' a name which has never been used by the Band or residents of southwestern Utah. Thus, the bill makes clear that any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Cedar City Band of Paiute Indians'' shall be deemed to be a reference to the ''Cedar Band of Paiute Indians.''

I would like to make part of the record some clarifications with regard to this bill. This bill has language that would allow the city of Richfield to purchase land from the tribe and direct the payment directly to the tribe without the funds being funneled through the Department of the Interior. I support that provision. The bill also has a provision that would make land acquired by the tribe after February 17, 1984, be made part of the reservation. This is an effort to clarify that lands already in possession of the tribe should be part of the reservation. It is not an effort to ensure that every parcel of land purchased by the tribe in the future be made part of the reservation without regard to the parcel's location or proximity to the existing reservation. I would also like to clarify that nothing in this legislation authorizes the Secretary of the Interior to make land conveyances for any tribe or band without their official consent to such a conveyance.

This bill will cost U.S. taxpayers nothing, but it will solve the dilemma that the City of Richfield faces as it works to make its airport meet the needs of the citizens of southwestern Utah. Equally important is the fact that this bill will allow the Paiute Tribe to use the proceeds from the land sale to acquire land with economic development potential to facilitate the self-determination of the tribe. The bill also takes care of non-controversial land adjustments and technical corrections. The bill is supported by the Paiute Tribe, its Bands, and the people of southwestern Utah residing nearby. That is why I am introducing this legislation that would convey or transfer these four small Paiute trust land parcels.

Finally, I offer my congratulations and best wishes to the Paiute Indian Tribe of Utah. At the tribe's Annual Restoration Gathering over the weekend of June 12, the Paiutes celebrated the 24th anniversary of their restoration as a tribe. The Federal trust relationship with the tribe was restored in 1980 upon enaction of the Paiute Indian Tribe Restoration Act, which I sponsored.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support the passage of H.R. 3982 during the 108th Congress.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 2953. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise to introduce today a bill to authorize the development of the Coordinated Environmental Health Network. I am pleased to have Senators CHAFEE and REID as cosponsors.

Environmental public health tracking of chronic diseases began in FY 2002 when the CDC awarded $17 million to 17 states and 3 local health departments to develop the Program and establish 3 Centers of Excellence. These funds were for capacity building and demonstration projects over 3 years. Efforts included correlation of asthma in young adults to air pollution from traffic exhaust or indoor air quality in schools, correlation of adverse pregnancy outcomes and air pollution measurements, PCBs in water supplies, etc and biomonitoring for blood lead and hair mercury with exposure databases. In FY 2003, CDC awarded $18.5 million to continue this program and expand to three additional states as in Florida to link statewide surveillance systems for asthma, autism, mental retardation, cancers, and birth defects

with EPA's Toxic Release Inventory, statewide air monitoring data, and data from the statewide well water surveillance program. 24 states now have efforts to track asthma. FY 2004 funding reached $27 million, and an additional $28 million pending in the Fiscal Year 2005 Labor-Health and Human Services-Education Appropriations bill.

Our bill would build on these efforts, and would eventually cover all priority chronic conditions including birth defects, developmental disabilities (such as cerebral palsy, autism, and mental retardation), asthma and chronic respiratory diseases, neurological diseases, such as Parkinson's disease, multiple sclerosis, and Alzheimer's disease, and autoimmune diseases such as Lupus. It would also eventually reach as many of the States as possible; already the EPA and DHHS (CDC) have signed a Memorandum of Understanding to coordinate exposure databases with the CDC's nationwide chronic disease tracking network and the State grantees.

Our current public health surveillance systems were developed when the major threats to health were infectious agents. Currently, 50 infectious diseases are tracked on a national basis. However, chronic diseases, such as cancer and cardiovascular disease are now the nation's number one killers, and there is evidence that rates of some chronic diseases and conditions are rising. More than 1.3 million new cancer cases were diagnosed in 2003. One in 33 U.S. babies born has a birth defect, and about 17 percent of children under 18 years of age have a developmental disability. In 2001, an estimated 31.3 million Americans reported having been diagnosed with asthma during their lifetime, and 14 million adults reported physician-diagnosed chronic obstructive pulmonary disease. Chronic diseases cost Americans $750,000,000,000 in health care expenses and lost productivity and affect 100 million Americans. Yet our systems for tracking chronic diseases are woefully underdeveloped.

All across our nation are communities where disease clusters such as birth defects, cancers and asthma raise questions about the role of environmental factors in chronic diseases. In order to improve the health of our nation and lower health care costs, we need to develop the infrastructure to study the relationship between environment and chronic disease.

The Coordinated Environmental Health Network Act would create the infrastructure necessary to collect, analyze, and report data on the rate of disease and the presence of relevant environmental factors and exposures. The Network would also coordinate national, State, and local efforts to bolster our public health system's capacity to investigate and respond aggressively to environmental exposures that threaten health. In addition, the Coordinated Environmental Health Network will alert health officials when there is a sudden increase in any disease or condition, including those associated with a biological or chemical attack.

Once fully operational, the network will coordinate national, state, and local efforts to inform communities, public health officials, researchers, and policymakers of potential environmental health risks, and to integrate this information with other parts of the public health system.

The Coordinated Environmental Health Network Act is supported by the Trust for America's Health, American Public Health Association, Citizens for a Cleaner Environment, March of Dimes, American Lung Association, U.S. Public Interest Research Group, The Breast Cancer Fund, Physicians for Social Responsibility, and many others.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2953

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 ''Coordinated Environmental Health Network Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 7 out of every 10 deaths in the United States are attributable to chronic diseases;

(2) with 100,000,000 people suffering from chronic diseases each year, and $750,000,000,000 lost in health care costs as a result, the national cost of chronic disease is extremely high and must be appropriately addressed;

(3) the rates of many chronic diseases, including asthma, some birth defects, cancers, and autism, appear to be increasing;

(4) there is a growing amount of evidence that environmental factors are strongly linked with specific chronic disease;

(5) a major gap in critical knowledge exists regarding the prevalence and incidence of chronic diseases;

(6) States, local communities, territories, and Indian tribes need assistance with public health efforts that would lead to prevention of chronic disease, including the establishment and maintenance of necessary infrastructure for disease and environmental hazard exposure surveillance; and

(7) a Coordinated Environmental Health Network will help target resources to areas of chronic disease prevention most in need.

(b) PURPOSES.—It is the purpose of this Act to—

(1) develop, operate, and maintain a Coordinated Environmental Health Network, State Environmental Health Networks, and rapid response capabilities so that the Federal Government, States, local governments, territories, and Indian tribes can more effectively monitor, investigate, respond to, research, and prevent increases in the incidence and prevalence of certain chronic diseases and relevant environmental and other risk factors;

(2) provide information collected through the Coordinated and State Environmental Health Networks to government agencies, public health practitioners and researchers, policy makers, and the public;

(3) expand and coordinate among existing surveillance and data collection systems and other infrastructure for chronic diseases and relevant environmental, and other risk factors, including those relevant to bioterrorism;

(4) improve coordination between the areas of public health, environmental protection, and chemical, radiological and biological terrorism; and

(5) provide necessary support to ensure the availability of a sufficient number of well-trained environmental health and public health personnel to participate and provide leadership in the development and maintenance of the Coordinated and State Environmental Health Networks.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—COORDINATED ENVIRONMENTAL HEALTH NETWORK

"SEC. 2900. DEFINITIONS.

''In this title:

''(1) ADMINISTRATORS.—The term 'Administrators' means the Director of the Centers for Disease Control and Prevention Coordinating Center for Environmental Health, Injury Prevention, and Occupational Health, and the Administrator of the Environmental Protection Agency.

''(2) COMMITTEE.—The term 'Committee' means the Advisory Committee established under section 2901(d).

''(3) DIRECTOR.—The term 'Director' means the Director of the Centers for Disease Control and Prevention.

''(4) MEDICAL PRIVACY REGULATIONS.—The term 'medical privacy regulations' means the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(5) COORDINATED NETWORK.—The term 'Coordinated Network' means the Coordinated Environmental Health Network established under section 2901(a).

''(6) PRIORITY CHRONIC CONDITION.—The term 'priority chronic condition' means a condition to be tracked in the Coordinated Network and the State Networks, including birth defects, developmental disabilities (such as cerebral palsy, autism, and mental retardation), asthma and chronic respiratory diseases, neurological diseases (such as Parkinson's disease, multiple sclerosis, Alzheimer's disease, and amyotrophic lateral sclerosis), autoimmune diseases (such as lupus), cancer, juvenile diabetes, and such other priority chronic conditions as the Secretary may specify.

''(7) STATE NETWORK.—The term 'State Network' means a State Environmental Health Network established under section 2901(b).

''(8) STATE.—The term 'State' means a State, territory, or Indian tribe that is eligible to receive a health tracking grant under section 2901(b).

"SEC. 2901. ESTABLISHMENT OF COORDINATED AND STATE ENVIRONMENTAL HEALTH NETWORKS.

''(a) COORDINATED ENVIRONMENTAL HEALTH NETWORK.—

''(1) ESTABLISHMENT.—Not later than 36 months after the date of the enactment of this title, the Secretary, acting through the Director and in consultation with the Administrators, State and local health departments, and the Committee, shall establish and operate a Coordinated Environmental Health Network. In establishing and operating the Coordinated Network, the Secretary shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other

Federal public health and environmental infrastructure wherever possible, including—

''(i) the National Electronic Disease Surveillance System;

''(ii) State birth defects surveillance systems as supported under section 317C;

''(iii) State cancer registries as supported under part M of title III;

''(iv) State asthma surveillance systems as supported under section 317I;

''(v) the National Health and Nutrition Examination Survey;

''(vi) the Behavioral Risk Factor Surveillance System;

''(vii) the Hazardous Substance Release/Health Effects Database;

''(viii) the Hazardous Substances Emergency Events Surveillance System;

''(ix) the National Exposure Registry;

''(x) the Health Alert Network; and

''(xi) the State vital statistics systems as supported under section 306;

''(B) provide for public access to an electronic national database that accepts data from the State Networks on the incidence and prevalence of priority chronic conditions and relevant environmental and other factors, in a manner which protects personal privacy consistent with the medical privacy regulations;

''(C) not later than 36 months after the date of the enactment of this title, and annually thereafter, prepare and publish, in accordance with paragraph (2), a Coordinated Environmental Health Network Report to provide the public with the findings of the Coordinated Network;

''(D) operate and maintain a National Environmental Health Rapid Response Service within the Epidemic Intelligence Service to carry out the activities described in paragraph (3);

''(E) provide for the establishment of State Networks, and coordinate the State Networks as provided for under subsection (b);

''(F) provide technical assistance to support the State Networks, including providing—

''(i) training for environmental health investigators appointed or hired under subsection (b)(3)(D);

''(ii) technical assistance as needed to States to build necessary capacity and infrastructure for the establishment of a State Network, including a computerized data collection, reporting, and processing system, and additional assistance identified by the States under subsection (b)(5)(C) as necessary for infrastructure development; and

''(iii) such other technical assistance as the Secretary, in consultation with the Administrators, determines to be necessary;

''(G) not later than 12 months after the date of the enactment of this title, acting through the Director and consulting with the Administrators, the Surgeon General, the Director of the National Institutes of Health, and States, develop minimum standards and procedures in accordance with paragraph (4) for data collection and reporting for the State Networks, to be updated not less than annually thereafter; and

''(H) in developing the minimum standards and procedures under subparagraph (G), include mechanisms for allowing the States to set priorities, and allocate resources accordingly, among the factors described in subparagraphs (A), (B), and (C) of paragraph (4).

''(2) COORDINATED ENVIRONMENTAL HEALTH NETWORK REPORT.—Each Coordinated Environmental Health Network Report prepared under paragraph (1)(C) shall include—

''(A) a statement of the activities carried out under this title;

''(B) an analysis of the incidence, prevalence, and trends of priority chronic conditions and potentially relevant environmental and other factors by State and census tract (or other political or administrative subdivision determined appropriate by the Secretary in consultation with the Administrator of the Environmental Protection Agency) for the calendar year preceding the year for which the report is prepared;

''(C) the identification of gaps in the data of the Coordinated Network, including diseases of concern and environmental exposures not tracked; and

''(D) recommendations regarding high risk populations, public health concerns, response and prevention strategies, and additional tracking needs;

''(3) NATIONAL ENVIRONMENTAL HEALTH RAPID RESPONSE SERVICE.—The National Environmental Health Rapid Response Service operated under paragraph (1)(D) shall—

''(A) work with environmental health investigators appointed or hired under subsection (b)(3)(D) to develop and implement strategies, protocols, and guidelines for the coordinated, rapid responses to actual and perceived higher than expected incidence and prevalence rates of priority chronic conditions and to acute and potential environmental hazards and exposures;

''(B) conduct investigations into higher than expected incidence and prevalence rates of priority chronic conditions or environmental exposures after an individual requests, through a process established by the Secretary, the intervention of the Service;

''(C) coordinate activities carried out under this title with activities carried out under sections 319 through 319G; and

''(D) coordinate activities carried out under this title with the Administrators, the Surgeon General, and the Director of the National Institutes of Health.

''(4) DATA COLLECTION AND REPORTING BY STATE NETWORKS.—The minimum standards and procedures referred to in paragraph (1)(G) shall include—

''(A) a list and definitions of the priority chronic conditions to be tracked through the State Networks;

''(B) a list and definitions of relevant environmental exposures of concern to be tracked, to the extent practicable, through the State Networks, including—

''(i) hazardous air pollutants (as defined in section 302(g) of the Clean Air Act);

''(ii) air pollutants for which national primary ambient air quality standards have been promulgated under section 109 of the Clean Air Act;

''(iii) pollutants or contaminants (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980);

''(iv) toxic chemicals (as described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986);

''(v) substances reported under the Toxic Substances Control Act Inventory Update Rule as provided for in part 710 of title 40, Code of Federal Regulations, or successor regulations;

''(vi) pesticides (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act); and

''(vii) such other potentially relevant environmental factors as the Secretary may specify;

''(C) a list and definitions of potentially relevant behavioral, socioeconomic, demographic, and other risk factors, including race, ethnic status, gender, age, occupation, and primary language, to be tracked through the State Networks;

''(D) procedures for the complete and timely collection and reporting of data to the Coordinated Network by census tract, or other political subdivision determined appropriate by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, regarding the factors described in subparagraphs (A), (B), and (C);

''(E) procedures for making data available to the public and researchers, and for reporting to the Coordinated Network, while protecting the confidentiality of all personal data reported, in accordance with medical privacy regulations;

''(F) standards and procedures for the establishment and maintenance of at least 7 regional biomonitoring laboratories, including providing for an equitable geographic distribution, by entering into cooperative agreements with States, groups of States, and academic institutions or consortia of academic institutions, in order to expand the scope and amount of biomonitoring data collected by the Centers for Disease Control and Prevention;

''(G) criteria for the environmental health investigators as required under subsection (b)(3)(D); and

''(H) procedures for record and data maintenance and verification.

''(b) STATE ENVIRONMENTAL HEALTH NETWORKS.—

''(1) GRANTS.—Not later than 24 months after the date of the enactment of this title, the Secretary, acting through the Director, in consultation with the Administrators, and taking into consideration the findings of the Committee, shall award grants to States, local governments, territories, and Indian tribes for the establishment, maintenance, and operation of State Environmental Health Networks in accordance with the minimum standards and procedures established by the Secretary under subsection (a)(4).

''(2) SPECIALIZED ASSISTANCE.—The Coordinated Network shall provide specialized assistance to grantees in the establishment, maintenance, and operation of State Networks.

''(3) REQUIREMENTS.—A State, local government, territory, or Indian tribe receiving a grant under this subsection shall use the grant—

''(A) to establish an environmental health network that will provide—

''(i) for the complete tracking of the incidence, prevalence, and trends of priority chronic conditions and potentially relevant environmental and other factors as set forth in subsection (a), as well as any additional priority chronic conditions and potentially related environmental exposures of concern to that State, local government, territory, or Indian tribe;

''(ii) for identification of priority chronic conditions and potentially relevant environmental and other factors that disproportionately impact low income and minority communities;

''(iii) for the protection of the confidentiality of all personal data reported, in accordance with the medical privacy regulations;

''(iv) a means by which confidential data may, in accordance with Federal and State law, be disclosed to researchers for the purposes of public health research;

''(v) the fullest possible public access to data collected by the State Network or through the Coordinated Network, while ensuring that individual privacy is protected in accordance with subsection (a)(1)(B); and

''(vi) for the collection of exposure data through biomonitoring and other methods, including the entering into of cooperative agreements with the Coordinated Network in the establishment of the regional biomonitoring laboratories;

''(B) to develop a publicly available plan for establishing the State Network in order to meet minimum standards and procedures as developed by the Coordinated Network under subsection (a)(4), including the State's

priorities within the minimum standards, a timeline by which all the standards will be met, and a plan for coordinating and expanding existing data and surveillance systems within the State including any pilot projects established through the Centers for Disease Control and Prevention prior to the date of the enactment of this title;

''(C) to appoint a lead environmental health department or agency that will be responsible for the development, operation, and maintenance of the State Network, and ensure the appropriate coordination among State and local agencies regarding the development, operation, and maintenance of the State Network;

''(D) to appoint or hire an environmental health investigator who meets criteria established by the Secretary under subsection (a)(4)(G) and who will coordinate the development and maintenance of the rapid response protocol established under subparagraph (E);

''(E) to establish a rapid response protocol, coordinated by the grantee's environmental health investigator, in order to respond in a timely manner to actual and perceived incidence and prevalence rates of priority chronic diseases that are higher than expected, acute and potential environmental hazards and exposures, and other environmental health concerns, including warning the public when emergent public health concerns are detected through the State Network, and concerns regarding vulnerable subpopulations and disproportionately impacted subpopulations;

''(F) to establish an advisory committee to ensure local community input to the State Network; and

''(G) to recruit and train public health officials to continue to expand the State Network.

''(4) LIMITATION.—A State, local government, territory, or Indian tribe that receives a grant under this section may not use more than 10 percent of the funds made available through the grant for administrative costs.

''(5) APPLICATION.—To seek a grant under this section, a State, local government, territory, or Indian tribe shall submit to the Secretary an application at such time, in such form and manner, and accompanied by such information as the Secretary may specify. The Secretary may not approve an application for a grant under this subsection unless the application—

''(A) contains assurances that the State, local government, territory, or tribe will—

''(i) use the grant only in compliance with the requirements of this title; and

''(ii) establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement and accounting of Federal funds paid to the State, local government, territory, or tribe under the grant;

''(B) contains the assurance that the State, local government, territory, or tribe will establish a State Network as required by this subsection; and

''(C) contains assurances that if the State, local government, territory, or tribe is unable to meet all of the requirements described in this subsection within the prescribed time period, the State, local government, territory, or tribe will use grant funds to increase the public health infrastructure of the State, local government, territory, or tribe, acting in cooperation with the Coordinated Network, in order to implement and maintain a State Network within 24 months of the receipt of such grant.

''(c) PILOT PROJECTS.—

''(1) IN GENERAL.—Beginning in fiscal year 2005, a State, local government, territory, or Indian tribe may apply for a grant under this subsection to implement a pilot project that is approved by the Secretary, acting through the Director and in consultation with the Administrators and the Committee.

''(2) ACTIVITIES.—A State, local government, territory, or Indian tribe shall use amounts received under a grant under this subsection to carry out a pilot project designed to develop State Network enhancements and to develop programs to address specific local and regional concerns, including—

''(A) the expansion of the State Network to include additional chronic diseases or environmental exposures;

''(B) the conduct of investigations of local concerns of increased incidence or prevalence of priority chronic conditions and environmental exposures; and

''(C) the carrying out of other activities as determined to be a priority by the State or consortium of regional States, local government, territory, or tribe and the Secretary.

''(3) RESULTS.—The Secretary may consider the results of the pilot projects under this subsection for inclusion into the Coordinated Network.

''(d) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this title, the Secretary acting jointly with the Administrators, shall establish an Advisory Committee in accordance with the Federal Advisory Committee Act.

''(2) COMPOSITION.—The Advisory Committee shall be composed of 16 members to be appointed by the Secretary. Each member of the Advisory Committee shall serve a 3-year term, except that the Secretary may appoint the initial members of the Advisory Committee for lesser terms in order to comply with the following sentence. In appointing the members of the Advisory Committee, the Secretary shall ensure that the terms of 5 or 6 members expire each year. The Advisory Committee shall include at least 9 members that have experience in the areas of—

''(A) public health;

''(B) the environment, especially toxic chemicals and human exposure;

''(C) epidemiology; and

''(D) biomonitoring and other relevant exposure technologies.

''(3) REPORTING.—The Advisory Committee shall not later than 12 months after the date of the enactment of this title, and at least once every 12 months thereafter, report to Congress on the progress of the Coordinated Network.

''(4) HEARINGS.—The Advisory Committee shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out the objectives of the Coordinated Network.

''(5) DUTIES.—The Advisory Committee shall—

''(A) review and provide input for the Coordinated Environmental Health Network Report prior to publication, and make recommendations as to the progress of the Coordinated Network, including identifying information gaps in the network;

''(B) assist in developing the minimum standards and procedures for the State Networks under subsection (a)(4); and

''(C) provide ongoing public input to the Coordinated Network.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2009.

''SEC. 2902. INCREASING PUBLIC HEALTH PERSONNEL CAPACITY.

''(a) SCHOOLS OR PROGRAMS OF PUBLIC HEALTH CENTERS OF EXCELLENCE.—

''(1) GRANTS.—Beginning in fiscal year 2005, the Secretary may award grants to at least 5 accredited schools or programs of public health for the establishment, maintenance, and operation of Centers of Excellence for research and demonstration with respect to chronic conditions and relevant environmental factors.

''(2) ACTIVITIES.—A Center of Excellence established or operated under paragraph (1) shall undertake research and development projects in at least 1 of the following areas:

''(A) Investigating causal connections between chronic conditions and environmental factors.

''(B) Increasing the understanding of the causes of higher than expected incidence and prevalence rates of priority chronic conditions and developing more effective intervention methods for when such elevated rates occur.

''(C) Identifying additional chronic conditions and environmental factors that could be tracked by the Coordinated Network.

''(D) Improving translation of Coordinated Network tracking results into effective prevention activities.

''(E) Improving the training of public health workforce in environmental epidemiology.

''(F) Establishing links to the Coordinated Network and the State Networks to identify associations that warrant further study.

''(3) REQUIREMENTS FOR CENTERS OF EXCELLENCE.—To be eligible to receive a grant under paragraph (1), a school or program of public health shall provide assurances that the school or program—

''(A) meets the minimum requirements as established by the Secretary in consultation with the Director;

''(B) maintains privacy for public health information if appropriate to the project; and

''(C) makes public information regarding the findings and results of the programs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

''(b) JOHN H. CHAFEE PUBLIC HEALTH SCHOLAR PROGRAM.—

''(1) IN GENERAL.—The Secretary shall award scholarships, to be known as John H. Chafee Public Health Scholarships, to eligible students who are enrolled in an accredited school of public health or medicine. The Secretary shall determine both the criteria and eligibility requirements for such scholarships, after consultation with the Committee.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,500,000 for each of fiscal years 2005 through 2009.

''(c) APPLIED EPIDEMIOLOGY FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—Beginning in fiscal year 2005, the Secretary, acting through the Director, shall enter into a cooperative agreement with the Council of State and Territorial Epidemiologists to train and place, in State and local health departments, applied epidemiology fellows to enhance State and local epidemiology capacity in the areas of environmental health, chronic disease, and birth defects and development disabilities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,500,000 for fiscal year 2005, and such sums as may be necessary in each of fiscal years 2006 through 2009.

''SEC. 2903. GENERAL PROVISIONS.

''(a) INTERNAL MONITORING AND COORDINATION REGARDING CDC.—The Secretary, acting

through the Director, shall place primary responsibility for the coordination of the programs established under this title in the Office of the Director. The officers or employees of the Centers for Disease Control and Prevention who are assigned responsibility for monitoring and coordinating the activities carried out under this title by the Director shall include officers or employees within the Office of the Director.

''(b) FUNDING THROUGH APPROPRIATIONS ACCOUNT FOR PUBLIC HEALTH IMPROVEMENT.—All authorizations of appropriations established in this title are authorizations exclusively for appropriations to the account that, among appropriations accounts for the Centers for Disease Control and Prevention, is designated 'Public Health Improvement'.

''(c) DATE CERTAIN FOR OBLIGATION OF APPROPRIATIONS.—With respect to the process of receiving applications for and making awards of grants, cooperative agreements, and contracts under this title, the Secretary, acting through the Director, shall to the extent practicable design the process to ensure that amounts appropriated under this title for such awards for a fiscal year are obligated not later than the beginning of the fourth quarter of the fiscal year, subject to compliance with section 1512 of title 31, United States Code (relating to deficiency or supplemental appropriations), and other applicable law regarding appropriations accounting.

''(d) COORDINATION WITH AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.—In carrying out this title, the Secretary, acting through the Director, shall coordinate activities and responses with the Agency for Toxic Substances and Disease Registry.

''(e) COORDINATION WITH EXISTING PILOT PROJECTS THROUGH CDC.—The Secretary shall integrate the enactment of this title with all environmental health tracking pilot projects funded prior to the date of enactment of this title.''.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2954. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I am proud to introduce the Utah Recreational Land Exchange Act of 2004, together with my colleague Senator Hatch. This legislation will ensure the protection of critical lands along the Colorado River corridor in southeastern Utah and will help provide important funding for Utah's school children. In Utah we treasure the education of our children. A key component of our education system is the 3.5 million acres of school trust lands scattered throughout the State. These lands are dedicated to the support of public education. Revenue from Utah school trust lands, whether from grazing, forestry, surface leasing or mineral development, is placed in the State School Fund. This fund is a permanent income producing endowment created by Congress upon statehood to fund public education. Unfortunately, the majority of these lands are trapped within federal ownership patterns that make it impossible for responsible development. It is critical to both the state of Utah and the Bureau of Land Management (BLM) that we consolidate their respective lands to ensure that both public agencies are permitted to fulfill their mandates.

The legislation we are introducing today is yet another chapter in our State's long history of consolidating these State lands for the financial well being of our education system. These efforts serve a dual purpose as they help the Federal land management agencies to consolidate federal lands in environmentally sensitive areas that can then be reasonably managed. We see this exchange as a win-win solution for the State of Utah and its school children, as well as the Department of the Interior as the caretaker of our public lands.

Beginning in 1998 Congress passed the first major Utah school trust land exchange which consolidated hundreds of thousands of acres. Again in 2000, Congress enacted an exchange consolidating another 100,000 acres. I was proud to be instrumental in those efforts, and the bill we are introducing today is yet another step in the long journey toward giving the school children the deal they were promised in 1896 when Utah was admitted to the Union.

The School Trust of Utah currently owns some of the most spectacular lands in America, located along the Colorado River in southeastern Utah. This legislation will ensure that places like Westwater Canyon of the Colorado River, the world famous Kokopelli and Slickrock biking trails, some of the largest natural rock arches in the United States, wilderness study areas, and viewsheds for Arches National Park will be traded into Federal ownership and for the benefit of future generations. At the same time, the school children of Utah will receive mineral and development lands that are not environmentally sensitive, in locations where responsible development makes sense. This will be an equal value exchange, with approximately 40,000 acres exchanged on either side, with both taxpayers and the school children of Utah receiving a fair deal. Moreover, the legislation establishes a valuation process that is transparent to the public, yet will ensure the exchange process occurs in a timely manner.

This legislation represents a truly collaborative process. We have convened all of the players to give us input into this legislation: local government, the State, the recreation community, the environmental community and other interested parties. At the same time we are working closely with the Department of Interior. We introduce this bill at this late date in this Congress to begin the legislative portion of our efforts. The state has been working with all of these groups over the past year at a grass-roots level to address concerns. As with all legislation this will be a perfecting process and introduction today marks the beginning of our efforts to work with the appropriate committees and the Department of Interior to craft a product over the next few months that will be ready to move at the beginning of the next Congress.

I urge all of my colleagues to support our efforts to fund the education of our children in Utah and to protect some of this Nation's truly great lands. I urge support of the Utah Recreational Land Exchange Act of 2004.

By Mr. BOND:

S. 2956. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

Mr. BOND. Mr. President, I rise today to introduce a bill of great importance to our most severely injured troops who are carrying the battle to the terrorists. This legislation will assist the Department of Defense by granting reprogramming authority to the Army to transfer funds to the Army's Disabled Soldier Support System (DS3) and by expanding the program to cover all the Armed Services.

The Disabled Soldier Support System this legislation will support was established just this year by the former Vice Chief of Staff of the Army, General George W. Casey, who realized after visiting severely wounded soldiers at Walter Reed Army Hospital that more support was needed to help these soldiers make the transition from military to civilian life.

The program the Army currently has in place is budgeted for $ one million and has a staff of less than 10 people. It is reported to have helped over 200 soldiers but we have a much larger group of seriously wounded troops that need our help. Of the nearly 7,000 troops who have been wounded approximately 57 percent were so severely injured that they will not be able to return to active duty.

The Administration is doing all it can but we know that the bureaucracy is sometimes slow to respond and react rapidly to changing conditions. The Army is not the only Service Component with a growing patient load. That is why this legislation will expand this worthy program to all branches of the Armed Services.

The patriots who are wounded while serving in support of our defense deserve the best care and assistance this Nation can deliver. That is why I am honored to submit this legislation today. It is my hope that my colleagues will put their full support behind this legislation and find a way to get it passed when we return later this year.

I thank my co-sponsors Senator's KENNEDY, BURNS and NELSON of Florida along with Congressman ''DUTCH'' RUPPERSBERGER who introduced this legislation in the House in early September and Steve Robinson, National Gulf War Resource Center, who referred Congressman RUPPERSBERGER to my office.

While the current debate continues regarding U.S. foreign policy there is no debate about doing all that is necessary to help our troops prevail on the battlefield—or to help those who are severely wounded on the field of battle to recover and make the transition from military to civilian life.

As the Chairman of VA–HUD I continue to work with my distinguished colleague Senator MIKULSKI to make the transition from the military support system to the VA support system as seamless as possible. This legislation will help improve the support system in the Department of Defense and make the work we are doing with the VA that much easier.

This legislation is vital for the welfare of our troops, their loved ones and families, and for the Department of Defense and the Department of Veterans Affairs. That is why I hope my colleagues will support this bill and work to get it passed before years end.

By Mr. KYL (for himself, Mr. SMITH, and Mr. DOMENICI):

S. 2957. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine, and for other purposes; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I rise today to introduce legislation, the Ukraine Democracy and Fair Elections Act of 2004, designed to promote free, fair and transparent elections in Ukraine. Like the United States, Ukraine is currently in the midst of a presidential election campaign. There is, however, one glaring contrast—all indications are that the campaign in Ukraine is not fair, not free and not transparent.

The U.S. government has sent a number of high level officials to Ukraine to tell retiring President Kuchma and Ukraine's Prime Minister Viktor Yanukovych—who is Kuchma's endorsed presidential candidate—that free and fair elections are essential to Ukraine's standing with the United States. Similarly, European governments have called upon Ukraine to hold free and fair elections. But, unfortunately, it appears that abuses of Ukraine's campaign laws are rapidly escalating.

Ukrainian government officials have continued, without pause, an aggressive offensive against their opposition. Together with oligarch beneficiaries of the Kuchma-Yanukovych government they have denied the opposition access to national media, they have intimidated campaign workers and opposition supporters at work and at home, they have tried to prohibit opposition assemblies, and have stopped buses on the way to opposition rallies. They make a mockery of Ukrainian laws by using government resources to promote the Yanukovych candidacy, and they are aggressively manipulating Ukrainian election laws to ensure that they control the election commission at each of the 40,000 polling place in the country.

What is at stake here is the future of democracy and perhaps independence in Ukraine as well as significant United States national interests in a region that we helped liberate from Communist tyranny just 15 years ago.

The legislation that I am introducing would prevent senior government officials, who are personally involved in suppressing free and fair elections in Ukraine, from obtaining visas to the United States, and would seize the assets of these corrupt officials, unless the U.S. President certifies the elections as free and fair. The objective is to target directly those individuals responsible for the corruption, not the Ukrainian people as a whole. I would note that similar legislation has been introduced in the House of Representatives by Representative DANA ROHRABACHER of California.

I hope this will send a clear message that we stand with the free and democratic people of Ukraine, but not with those who would pervert democracy.

By Mr. GRAHAM of Florida:

S. 2960. A bill to amend title 23, United States Code, to establish a traffic incident management program; to the Committee on Environment and Public Works.

Mr. GRAHAM of Florida. Mr. President, I rise today to introduce legislation that calls for a small Federal commitment that would make a huge impact on the daily lives of all Americans. This legislation, the Rush Hour Congestion Relief Act, authorizes $1 billion per year over the next 6 years, which can make a major dent in the amount of time we sit in traffic everyday.

In February, the Senate approved a six-year highway reauthorization bill, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004, SAFETEA, which authorized $318 billion through 2009 for the Federal highway and transit program. I voted against the bill for many reasons, but the main reason I could not support the legislation is that the bill did not meet the funding levels identified by the U.S. Department of Transportation's needs assessment. The USDOT identified a $375 billion Federal commitment as necessary to maintain the current condition and level of congestion on our highways. Just maintain, not improve.

Additionally, SAFETEA did not contain any specific programs to target congestion relief. SAFETEA targets funding to construction to add highway capacity. Although adding capacity to our highway and transit system is very important, we will never build our way out of congestion. We must also look at ways to operate and manage the current system and use resources more efficiently. We must focus on managing the demand on our road network, especially in larger urban areas, through innovative approaches and use of new technology. A combination of operational improvements, including freeway ramp metering, traffic signal coordination, traveler information and incident management can accomplish major improvements in daily travel with a small price tag.

Now it looks as though a 6-year highway bill reauthorization will not be completed this year and the 109th Congress will have to start the process from scratch. This is a golden opportunity for the Senate to review the SAFETEA bill and support positive changes to target more funds to congestion relief.

Mr. President, according to the Texas Transportation Institute, TTI, at Texas A&M University, which conducts an annual Urban Mobility Report to study the state of America's urban transportation networks, gridlock cost Americans $63 billion in 2002 in wasted fuel and lost time. This is a significant loss that burdens families, individuals, and businesses. More than 2 in 5 adults report that congestion is a problem in their community. This number is even higher in major cities.

Such concern is not surprising, considering that the average resident of many cities in my state experience some of the worst congestion. Every year a typical resident of Miami and Orlando will lose over 51 hours stuck in traffic. Lost time and wasted fuel will cost each of these Floridians over $900. In 1982, only 11 hours were lost. This is not only a Florida problem. Nor is it only a problem here in Washington DC, or in New York City or Chicago. Even in small urban areas, delay during peak traveling hours grew 200 percent in the past 20 years. Across the country, residents of smaller cities like Pensacola, Charleston, and Colorado Springs could save hundreds of dollars by making our current road system more efficient.

The Rush Hour Congestion Relief Act of 2004 would establish a Federal incident management program to provide funding to states for regional projects to mitigate the effects of traffic congestion on our roads.

Incident management programs would save taxpayers money by allowing our roadways to operate at a more optimal level. When a stalled vehicle or traffic accident blocks a lane of traffic, our roads are not operating efficiently. The Federal Highway Administration estimates that every blocked lane creates an average of four minutes of traffic delay. Furthermore, up to one-third of traffic accidents are secondary to earlier incidents. What this means is that incidents that are not cleared quickly run a higher risk of causing more accidents and increasing delay even further. Results find that 55 percent of congestion in urban areas and 100 percent of congestion in rural areas are caused by incidents such as traffic accidents and stalled vehicles.

Incident management programs vary across the country, but include the cooperative effort of multiple agencies, such as city and county governments, regional planning councils, local police and firefighters, HAZMAT teams and

emergency medical services to detect and verify incidents, manage the scene, and clear the obstruction in a safe manner. In many cases the incident management patrols are the first to arrive on the scene of an accident, and they coordinate Emergency Medical Services, tow trucks, law enforcement and other service providers. Additionally, they are able to funnel information to a central traffic command, which can provide important real-time information to the traveling public.

Some incident management programs offer needed assistance to travelers by providing services such as a free gallon of gas, changing a flat tire, a cell phone call, water for an overheated radiator, and charging a dead battery. In Florida, one way that we have addressed incident management is through a program called Road Rangers. Road Ranger trucks continuously rove the expressways looking for stranded motorists, debris, traffic accidents or other incidents. In 2002, this program utilized 83 vehicles and performed 279,525 service assists.

This bill would authorize $1 billion per year through 2010, from the Highway Trust Fund to create and improve programs like Road Rangers. The funds would be distributed to the states based on their amount of urbanized areas with greater than 300,000 people. The state would then be required to allocate the funds to those targeted urban areas. There are roughly 100 urbanized areas with a population of 300,000 or higher in 42 states. Urban areas would be required to develop an incident management plan before receiving direct funding for their program. This way, all of the stakeholders in a region will have an opportunity to participate in the design and operation of the incident management program. The only way it can work is with regional cooperation. The Rush Hour Congestion Relief Act of 2004 would fund initiatives like the current pilot program in Orlando to provide radio and telecommunications equipment to enhance coordination between Florida Highway Patrol and Road Rangers. It will also provide needed funding for incident management training. In 2001, 59 percent of all police casualties occurred during a response to a traffic incident. Funding under this bill would give first responders the tools and training necessary to reduce that risk.

I am proud to introduce this bill today because incident management works. According to the TTI, incident management has already reduced delay on our roads by 170 million hours. Had we employed these programs to all of our congested highways, American would have spent 239 million less hours on the road. To put this into perspective, it would take the construction of over 200 miles of a six-lane highway to achieve the same level of time savings.

Not only are these programs effective, they save far more than they cost. In States like Minnesota, annual savings from incident management was estimated at $1.4 million, while program operations amounted to only $600,000. In Denver, their Courtesy Patrol program has been estimated to save 10.5 to 16.9 times more than it cost. Although adding capacity to our highway and transit network is important, it is very expensive and takes many years to complete. This approach provides a real solution, which will make a huge impact on congestion in a short amount of time.

Finally, the Rush Hour congestion Relief Act is supported by our nation's local governments, Metropolitan Planning Organizations, and transit providers, who are on the front lines of the daily congestion battle. The act has been endorsed by the National Association of Counties, National League of Cities, National Association of Regional Councils, Association for Commuter Transportation, and the Surface Transportation Policy Project.

I urge my colleagues to join us in this effort to ensure safe and open roads.

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. 2960

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 ''Rush Hour Congestion Relief Act of 2004''.

SEC. 2. TRAFFIC INCIDENT MANAGEMENT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

''§ 139. Traffic incident management program

''(a) IN GENERAL.—The Secretary shall establish and implement a traffic incident management program in accordance with this section to assist States and localities in—

''(1) regional traffic incident management program planning; and

''(2) carrying out projects to mitigate the effects of traffic delays resulting from accidents, breakdowns, and other non-recurring incidents on highways.

''(b) USE OF FUNDS.—Funds apportioned to a State under this section may be used for—

''(1) regional collaboration and coordination activities that lead to regional traffic incident management policies, programs, plans, procedures, and agreements;

''(2) purchase or lease of telecommunications equipment for first responders as part of the development of a regional traffic incident management program;

''(3) purchase or lease of equipment to support the clearance of traffic incidents;

''(4) payments to contractors for towing and recovery services as part of a regional traffic incident management program;

''(5) rental of vehicle storage or staging areas immediately adjacent to roadways as part of a regional traffic incident management program;

''(6) traffic service patrols as part of a regional traffic incident management program;

''(7) enhanced hazardous materials incident response;

''(8) traffic management systems in support of traffic incident management;

''(9) traffic incident management training;

''(10) crash investigation equipment;

''(11) other activities under a regional traffic incident management plan; and

''(12) statewide incident reporting systems.

''(c) REGIONAL TRAFFIC INCIDENT MANAGEMENT PLAN.—

''(1) PLAN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds apportioned under this section may not be obligated for an urbanized area with a population greater than 300,000 until such time as a regional traffic incident management plan is developed for the urbanized area.

''(B) FUNDS FOR PLAN.—An urbanized area described in subparagraph (A) may use funds apportioned under this section to develop the regional traffic incident management plan in accordance with this subsection.

''(2) PLAN DEVELOPMENT.—

''(A) COLLABORATION.—Any urbanized area described in paragraph (1) that receives funds apportioned under this section shall engage in regional collaboration and coordination activities to develop the regional traffic incident management plan required for the urbanized area under that paragraph.

''(B) PLAN ELEMENTS.—The regional traffic incident management plan for an urbanized area under paragraph (1) shall include—

''(i) a strategy, adopted by transportation, public safety, and appropriate private sector participants, for funding, implementing, managing, operating, and evaluating the traffic incident management program initiatives and activities for the urbanized area in a manner that ensures regional coordination of those initiatives and activities;

''(ii) an estimate of the impact of the plan on traffic delays; and

''(iii) a description of the means by which traffic incident management information will be shared among operators, service providers, public safety officials, and the general public.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000,000 for each of fiscal years 2005 through 2010.

''(2) APPORTIONMENT AMONG STATES.—Funds made available under paragraph (1) shall be apportioned among the States in the proportion that—

''(A) the aggregate population of the State, or part of the State, in urbanized areas with a population greater than 300,000; bears to

''(B) the total population of all States, or parts of all States, in those urbanized areas.

''(3) DISTRIBUTION WITHIN STATES.—Funds apportioned to a State under paragraph (2) shall be made available to carry out projects and activities under regional traffic incident management plans in each urbanized area in the State with a population greater than 300,000 in the proportion that—

''(A) the population of the urbanized area, or part of the urbanized area, in the State; bears to

''(B) the total population of all urbanized areas in the State.

''(e) DETERMINATION OF POPULATIONS.—For the purpose of determining populations of areas under this section, the Secretary shall use information from the most current decennial census, as supplied by the Secretary of Commerce.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

''139. Traffic incident management program.''.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 2963. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

2964. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, as in years past, I am offering today two pieces of legislation that would close a loophole in the 1996 Telecommunications Act, and as in years past I am pleased that I am joined by Senators JEFFORDS and DODD.

The catalog of complaints about the 1996 act continues to grow, and as it becomes more apparent that this flawed statute is in need of repair, I grow ever more proud that I was one of five Senators to have voted against that law.

In the coming Congress, we will be revisiting the 1996 Act. While we should rightly examine the various provisions related to telephone competition, broadband, and subscriber television rates, there are other important issues that we need to address.

The 1996 Telecommunications Act contained a provision that allowed the Federal Communications Commission to preempt the decisions of local authorities as to the placement of cell phone towers. In 1997, the Federal Communications Commission seized on the legislative loophole, proposing an expansive new rule that prevented State and local zoning laws from regulating the placement of cellular and broadcast towers based on environmental considerations, aviation safety, or other locally determined matters. Local and State governments were no longer empowered to shape the appearance of their communities.

I fought this proposed rule and was joined by many Vermonters, including former-Governor Dean, the Vermont Environmental Board, mayors, zoning officials, and numerous others. We took our case to the Supreme Court and filed an amicus brief, arguing that the preemption of that local power to regulate land use was a clear violation of the U.S. Constitution. It is unfortunate that the Court would not hear that case. It is time to give that control back to the local governments by enacting my legislation.

The two bills that we are reintroducing today will not tip the scales, but they will even them out a bit. They will allow local officials to use State and local regulations to work with the Federal Government in order to develop the best solutions for the placement of cell phone and broadcast towers.

Communities across the country understand the growing demand for cellular services will result in new towers, and they welcome the improvement in service that this increased infrastructure will bring. However, they also want to make sure that their towns do not become little more than pincushions for new cellular towers. These goals are not mutually exclusive.

I thank again Senator JEFFORDS and Senator DODD, and I urge my colleagues to join us in supporting this legislation. I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2963

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 ''Local Control of Broadcast Towers Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The placement, construction, and modification of broadcast transmission facilities near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of broadcast transmission facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite, and cable. The Commission ensures compliance of such activities with applicable Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) The Commission defers to State and local authorities which regulate the placement, construction, and modification of broadcast transmission facilities through the use of zoning, construction and building, and environmental and safety regulations in order to protect the environment and the health, safety, and general welfare of communities and the public.

(5) On August 19, 1997, the Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of most State and local zoning, environmental, construction and building, and other regulations affecting the placement, construction, and modification of broadcast transmission facilities.

(6) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSE.—The purpose of this Act is to confirm that State and local governments are the appropriate entities—

(1) to regulate the placement, construction, and modification of broadcast transmission facilities consistent with State and local zoning, construction and building, environmental, and land use regulations;

(2) to regulate the placement, construction, and modification of broadcast transmission facilities so that their placement, construction, or modification will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the health, safety, and general welfare of the public; and

(3) to hold accountable applicants for permits for the placement, construction, or modification of broadcast transmission facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses, or approvals.

SEC. 3. PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.

Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities'', MM Docket No. 97–182, released August 19, 1997.

SEC. 4. AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 340. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

''(a) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(1) IN GENERAL.—A State or local government may deny an application to place, construct, or modify broadcast transmission facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering broadcast signals comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(2) CONSIDERATIONS.—In determining under paragraph (1) the intrusiveness of technologies, delivery systems, or structures for the transmission of broadcast signals, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(3) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority in paragraph (1), the burden shall be on the applicant.

''(b) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of broadcast transmission facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(c) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act

may be interpreted to prohibit a State or local government from—

''(1) requiring a person seeking authority to place, construct, or modify broadcast transmission facilities to produce—

''(A) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(2) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under paragraph (1).

''(d) CONSTRUCTION.—Nothing in this section may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify broadcast transmission facilities within the jurisdiction of the State or local government.

''(e) BROADCAST TRANSMISSION FACILITY DEFINED.—In this section, the term 'broadcast transmission facility' means the equipment, or any portion thereof, with which a broadcaster transmits and receives the radiofrequency waves that carry the services of the broadcaster, regardless of whether the equipment is sited on one or more towers or other structures owned by a person or entity other than the broadcaster, and includes the location of such equipment.''.

S. 2964

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 ''Local Control of Cellular Towers Act''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) The placement, construction, and modification of personal wireless services facilities (also known as wireless facilities) near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite, and cable. The Commission ensures the compliance of such activities with a variety of Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) Under section 332(c)(7)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(A)), the Commission defers to State and local authorities that regulate the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations.

(5) Alternative technologies for the placement, construction, and modification of wireless facilities may meet the needs of a wireless services provider in a less intrusive manner than the technologies proposed by the wireless services provider, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies.

(6) It is in the interest of the Nation that the requirements of the Commission with respect to the application of State and local ordinances to the placement, construction and modification of wireless facilities (for example WT Docket No. 97–192, ET Docket No. 93–62, RM–8577, and FCC 97–303, 62 FR 47960) be modified so as—

(A) to permit State and local governments to exercise their zoning and other land use authorities to regulate the placement, construction, and modification of such facilities; and

(B) to place the burden of proof in civil actions, and in actions before the Commission and State and local authorities relating to the placement, construction, and modification of such facilities, on the person that seeks to place, construct, or modify such facilities.

(7) PCS-Over-Cable, PCS-Over-Fiber Optic, and satellite telecommunications systems, including Low-Earth Orbit satellites, offer a significant opportunity to provide so-called ''911'' emergency telephone service throughout much of the United States without unduly intruding into or effecting the environment, public health and safety, and the general welfare of the community and the public.

(8) The Federal Aviation Administration must rely upon State and local governments to regulate the placement, construction, and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The proposed rules of the Commission to preempt State and local zoning and other land-use regulations for the siting of such facilities will have a serious negative impact on aviation safety, airport capacity and investment, the efficient use of navigable airspace, public health and safety, and the general welfare of the community and the public.

(9) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal certain limitations on State and local authority regarding the placement, construction, and modification of personal wireless services facilities under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments—

(A) to regulate the placement, construction, or modification of personal wireless services facilities with respect to their impacts on land use, including radio frequency interference and radio frequency radiation, in order to protect the environment, public health and safety, and the general welfare of the community and the public;

(B) to regulate the placement, construction, and modification of personal wireless services facilities so that they will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the public health and safety and the general welfare of the community and the public; and

(C) to hold accountable applicants for permits for the placement, construction, or modification of personal wireless services facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for permits, licenses, or approvals for such facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES.

(a) LIMITATIONS ON STATE AND LOCAL REGULATION OF FACILITIES.—Subparagraph (B) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)) is amended—

(1) by striking clause (iv);

(2) by redesignating clause (v) as clause (iv); and

(3) in clause (iv), as so redesignated—

(A) in the first sentence, by striking ''may, within 30 days'' and all that follows through the end of the sentence and inserting ''may commence an action in any court of competent jurisdiction. Such action shall be commenced within 30 days after such action or failure to act unless the State concerned has established a different period for the commencement of such action.''; and

(B) by striking the third sentence and inserting the following: ''In any such action in which a person seeking to place, construct, or modify a personal wireless services facility is a party, such person shall bear the burden of proof, regardless of who commences such action.''.

(b) PROHIBITION ON ADOPTION OF RULE REGARDING RELIEF FROM STATE AND LOCAL REGULATION OF FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Procedures for Reviewing Requests for Relief From State and Local Regulation Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934'', WT Docket No. 97–192, released August 25, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF FACILITIES.—Such section 332(c)(7) is further amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) ADDITIONAL LIMITATIONS.—

''(i) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(I) IN GENERAL.—A State or local government may deny an application to place, construct, or modify personal wireless services facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering a personal wireless services signal comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(II) CONSIDERATIONS.—In determining under subclause (I) the intrusiveness of technologies, delivery systems, or structures for personal wireless services facilities, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(III) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority

in subclause (I), the burden shall be on the applicant.

''(ii) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of personal wireless services facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(iii) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act may be interpreted to prohibit a State or local government from—

''(I) requiring a person seeking authority to place, construct, or modify personal wireless services facilities to produce—

''(aa) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(bb) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(II) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under subclause (I).

''(iv) CONSTRUCTION.—Nothing in this subparagraph may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify personal wireless services facilities within the jurisdiction of the State or local government.''.

By Mr. CRAIG (for himself, Mr. DASCHLE, and Mr. SCHUMER):

S. 2966. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce the Child Safety and Home Protection Act of 2004, to provide a limited tax credit for individuals who purchase a gun safe to store firearms in their homes. Under this legislation, taxpayers would receive a 25 percent credit up to $250 for the cost of purchasing, shipping, and installing a gun safe.

We have seen passionate debates in the Senate on political issues involving guns, but there is no dispute about the importance of preventing firearms accidents and theft. We all want to make sure guns do not fall into the hands of people who would mishandle them and cause accidental harm, or who intend to abuse them for criminal purposes. Responsible gun owners share those concerns and take safety issues seriously.

The firearms industry has responded by offering a variety of devices designed to enhance secure storage and safe use of firearms. Gun safes have demonstrated their effectiveness in stopping unauthorized access to their contents, not only protecting valuable guns but also preventing their accidental or criminal misuse.

With more than 200 million privately-owned firearms in the United States, this Nation clearly has an interest in encouraging safe gun storage. The Child Safety and Home Protection Act of 2004 serves that goal by allowing individuals to keep a little bit of their own hard-earned dollars to make a key investment in gun safety through the purchase and installation of a gun safe.

I say to all my colleagues: If you believe, as I do, that the right to keep and bear arms carries with it a responsibility to use firearms safely and lawfully, I hope you will join me in supporting this important measure to promote secure gun storage.

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. 2966

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 ''Child Protection and Home Safety Act of 2004''.

SEC. 2. CREDIT FOR RESIDENTIAL GUN SAFE PURCHASES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. PURCHASE OF RESIDENTIAL GUN SAFES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid or incurred by the taxpayer during such taxable year for the purchase of a qualified residential gun safe.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) with respect to any qualified residential gun safe shall not exceed $250.

''(2) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and section 23), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year. No credit may be carried forward under this subsection to any taxable year following the third taxable year after the taxable year in which the purchase or purchases are made. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

''(c) QUALIFIED RESIDENTIAL GUN SAFE.—For purposes of this section, the term 'qualified residential gun safe' means any container not intended for the display of firearms which is specifically designed to store or safeguard firearms from unauthorized access and which meets a performance standard for an adequate security level. For purposes of the preceding sentence, compliance with such performance standard must be established by objective testing.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that residential gun safes qualifying for the credit meet design and performance standards sufficient to ensure the provisions of this section are carried out.

''(g) STATUTORY CONSTRUCTION; EVIDENCE; USE OF INFORMATION.—

''(1) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(A) as creating a cause of action against any firearms dealer or any other person for any civil liability, or

''(B) as establishing any standard of care.

''(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding the use or nonuse by a taxpayer of the tax credit under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence, or for purposes of drawing an inference that the taxpayer owns a firearm.

''(3) USE OF INFORMATION.—No database identifying gun owners may be created using information from tax returns on which the credit under this section is claimed.''.

(b) CONFORMING AMENDMENT.—Section 6501(m) of the Internal Revenue Code of 1986 is amended by inserting ''25C(e),'' before ''30(d)(4),''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''25C. Purchase of residential gun safes.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 2967. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce bipartisan legislation, ''The Green Chemistry Research and Development Act,'' with Senator ROCKEFELLER. Green chemistry is a science-based approach to pollution prevention, seeking to reduce the chemical impact on the environment by developing non-toxic technology. The American chemical, pharmaceutical and biotechnology industries, as well as the American Chemical Society, support this legislation, which

promises to speed the development of environmentally benign chemical technology. I would like to request that a letter in support of this legislation from Dr. Michael J. Eckardt, Vice President for Research at the University of Maine, be printed in the RECORD

Green chemistry research and development improves technology used in industrial procedures and promotes the design of safer chemicals, the use of sustainable resources, the use of biotechnology alternatives to chemistry-based solutions, and an understanding of the chemical aspects of renewable energy. Clearly, there is a need to promote this emerging field, still relatively unknown, which furnishes both economic and environmental rewards—proving that the two are not, in fact, mutually exclusive.

The legislation establishes a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities, through an interagency working group consisting of the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, and the Environmental Protection Agency. The program would provide sustained support through merit-based competitive research grants, research and development partnerships between universities, industry and nonprofit organizations, and research and development conducted at federal laboratories.

Green chemistry R&D benefits all regions of our country, but let me share with you an example of how one company, Correct Deck, located in Biddeford, Maine, has successfully used green chemistry technology to grow its business. As you may know, the Environmental Protection Agency has issued a stricter arsenic regulation due to concerns about the public health effects posed by the chemical, which is commonly found in wood that has been treated to repel insects before being used for constructing outdoor decks and playground equipment. These EPA regulations will take effect in 2006. Correct Deck, taking advantage of a technology brought about through green chemistry research and development, manufactures a wood composite—a blend of sawdust and plastic—that closely resembles the boarding used on wood decks. Yet this composite does not splinter, requires less maintenance than wood, is not susceptible to termites, and most importantly, contains no harmful chemicals. By staying ahead of the curve, Correct Deck has seen sales of its wood composite skyrocket, and has since been striving to meet the ballooning demand for non-arsenic treated products for decks. Thus an environmental benefit also proves profitable.

The breadth of green chemistry's positive impact on our lives extends far beyond decks. Also in the process of development are next-generation pesticides that target specific insects while avoiding harm to other species, and, through steadfast commitment to avoiding environmental harm, are designed to degrade into harmless materials after serving their purpose, rather than dangerously persisting in the environment. Green chemistry R&D is also discovering methods for using carbon dioxide as a feedstock for industrial processes, rather than as a harmful byproduct, thus reducing greenhouse gas emissions.

I could continue, but the windfalls are just too many to enumerate here. From removing public health threats, to enhancing worker safety, to contributing to the battle against human-induced global warming, the multiple benefits of green chemistry research and development are truly exciting, which is why this legislation has strong support from both environmentalists and the chemical industry. One of many chemical company executives singing the praises of green chemistry R&D, David Buzzelli of Dow Chemical Company aptly stated, ''Green chemistry technology is testament that when we merge our environmental commitment with innovative chemistry, we can create results that benefit our customers and society.''

My colleagues, by passing this bipartisan legislation and thereby coordinating and supporting ongoing green chemistry research and development, we speed these benefits along to all Americans by acting both as stalwart environmental stewards and innovative supporters of environmentally friendly industrial processes. I strongly urge you to support this legislation—and to consider the business opportunities and environmental benefits that the promising field of green chemistry could bring to your respective states.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF MAINE,
Orono, ME, September 13, 2004.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: We request your support for legislation pending in the Senate to provide for the implementation of a green chemistry research and development program. The University of Maine is a member of the New England Green Chemistry Consortium and we are working with several businesses in Maine to introduce green chemistry manufacturing techniques and processes to improve manufacturing productivity and help the environment. Federal investments in green chemistry research and development would support the University's efforts to advance green chemistry practices in Maine and the New England states.

As you may know, on April 21, 2004 the House of Representatives passed HR 3970, the Great Chemistry Research and Development Act. The bill was referred to the Senate Commerce Committee on April 22. We request your support for this legislation in the Senate.

Federally funded research at the University of Maine on green chemistry technologies would enhance our work in the area of natural resource processing. Specifically, UM would expand work on interfacial aspects of polymeric based composite materials, including primarily paper, and wood composites. The paper industry would benefit from development of solvent free release coatings, coatings for solvent free inks, and water based gravure printing. UM would also expand its work to help Maine's emerging extruded wood/thermoplastic composites industry develop new water based coatings and adhesive systems to replace current solvent based methods and chemistries that involve formaldehyde.

Thank you for considering this request and for your continued support for research at the University of Maine.

Sincerely yours,
MICHAEL J. ECKARDT, Ph.D.,
Vice President for Research.

By Mr. REED (for himself, Mr. KENNEDY, Mr. WARNER, Mr. DASCHLE, Ms. SNOWE, Mr. DODD, Mrs. CLINTON, Mr. DORGAN, Mr. BAYH, Mr. SCHUMER, Mr. JOHNSON, and Mr. DAYTON):

S. 2968. A bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. 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. 2968

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 ''Emergency Flu Response Act of 2004''.

SEC. 2. EMERGENCY FLU RESPONSE.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end the following:

''Subtitle 3—Influenza Vaccine

"SEC. 2141. DEFINITION.

''In this subtitle, the term 'priority group' means a group described as a priority group for vaccination with influenza vaccine in recommendations entitled 'Interim Influenza Vaccination Recommendations - 2004-2005 Influenza Season', dated October 5, 2004, or any successor to such recommendations issued by the Secretary.

"SEC. 2142. EMERGENCY ACCESS TO INFLUENZA VACCINE.

''(a) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—Under section 564(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3(b)(1)(C)), the Secretary shall immediately declare the shortage of influenza vaccine in the United States for the 2004-2005 influenza season to be an emergency justifying an authorization for a product under section 564 of such Act (21 U.S.C. 360bbb).

''(2) DETERMINATION.—For the purpose of making determinations under section 564(b)(1)(C) of such Act to carry out paragraph (1), the Secretary—

''(A) shall deem the shortage to be a public health emergency described in such section; and

''(B) shall deem influenza virus to be a biological agent.

''(3) CONSTRUCTION.—Nothing in this subsection shall be considered to invoke the authorities described in section 319, or to limit the ability of the Secretary to invoke such authorities.

''(b) SEEKING INFLUENZA VACCINE.—The Secretary shall promptly consult with the health ministries of Canada, countries that are members of the European Union as of January 1, 2003, Japan, and Switzerland to assess the availability of influenza vaccine for the 2004-2005 influenza season that—

''(1) has been approved, licensed, or otherwise cleared for marketing by the relevant regulatory agency in such a country; and

''(2) is in excess of the needs in such country for the vaccination of persons at high risk for complications from influenza.

''(c) ISSUANCE OF AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary shall promptly evaluate available influenza vaccine (as identified under subsection (b)) to determine whether the vaccine meets the criteria for issuance of an authorization under section 564(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3(c)).

''(2) CRITERIA.—For the purpose of making determinations under section 564(c) of such Act to carry out paragraph (1), the Secretary—

''(A) shall deem influenza virus to be an agent that can cause a serious or life-threatening disease or condition; and

''(B) shall deem the shortage described in subsection (a)(1) to be sufficient evidence that there is no alternative described in section 564(c)(3).

''(d) VACCINE PURCHASE.—Not later than 30 days after the date of enactment of the Emergency Flu Response Act of 2004, the Secretary shall purchase, at a reasonable price, available influenza vaccine identified under subsection (b) for which the Secretary has issued an authorization under section 564(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3(c)).

''(e) VACCINE DISTRIBUTION.—Notwithstanding any other provision of law, the Secretary shall promptly import and distribute any influenza vaccine purchased under subsection (d), giving first priority to persons in priority groups.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2143. EFFECTIVE RESPONSES TO VACCINE SHORTAGES.

''(a) IN GENERAL.—The Secretary shall award a grant to each State to allow such State to develop and implement a plan to respond to the shortage of influenza vaccine in the United States for the 2004-2005 influenza season.

''(b) USE OF FUNDS.—A State that receives a grant under this section shall use the funds made available through a grant under subsection (a) to develop—

''(1) a voluntary plan to ensure that the influenza vaccine is, to the maximum extent possible, administered to priority groups;

''(2) a system to notify health care providers about revisions in guidelines for administering influenza vaccine;

''(3) an awareness campaign to inform the public about recommendations concerning groups that are priority groups for vaccination with influenza vaccine; and

''(4) procedures to allow for the voluntary donation of vaccine as described in section 2145.

''(c) AMOUNT.—The amount of a grant under subsection (a) shall be proportional to the population of the State and the severity of the shortage of influenza vaccine in such State, as determined by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2144. EFFECTIVE MONITORING OF THE NATION'S INFLUENZA VACCINE SUPPLY.

''(a) MANUFACTURERS.—Not later than 15 days after the date of enactment of the Emergency Flu Response Act of 2004 and every 30 days thereafter, any person who manufactures influenza vaccine for introduction into interstate commerce shall prepare and submit to the Secretary a summary report that lists—

''(1) each client, both public and private, who purchased influenza vaccine from the manufacturer during the period covered by the report; and

''(2) the number of doses of influenza vaccine sold to each client during the period.

''(b) STATE PUBLIC HEALTH AGENCIES.—To be eligible to receive a grant under section 2143(a), a State through its public health agency shall, not later than 15 days after the date of enactment of the Emergency Flu Response Act of 2004 and every 30 days thereafter, prepare and submit to the Secretary a summary report describing—

''(1) the number of doses of influenza vaccine available in the State during the period covered by the report;

''(2) the number of such doses that were given to each priority group during that period; and

''(3) to the extent that such information is readily obtainable by the State, the manner in which such doses were distributed to consumers during such period, such as by distribution through public health agencies or private health care providers.

''SEC. 2145. CLEARINGHOUSES FOR VOLUNTARY DONATION OF INFLUENZA VACCINE.

''The Centers for Disease Control and Prevention, and each State public health agency described in section 2144(b), shall establish a clearinghouse to—

''(1) enable persons to voluntarily donate influenza vaccine doses; and

''(2) distribute the doses for administration to individuals in priority groups.

''SEC. 2146. PURCHASES OF INFLUENZA VACCINE.

''(a) IN GENERAL.—The Secretary shall establish a program through which the Secretary may—

''(1) purchase from private employers, vaccine wholesalers, and other appropriate individuals and entities, doses of influenza vaccine that are not needed for the vaccination of priority groups; and

''(2) distribute the doses purchased under paragraph (1) for administration to individuals in priority areas.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2147. USE OF INFLUENZA VACCINE.

''(a) EXECUTIVE BRANCH.—The head of each Executive agency (as defined in section 105 of title 5, United States Code) shall ensure that any influenza vaccine in the possession of the head of the agency shall—

''(1) be administered only to employees of the agency who are in priority groups; and

''(2) provide to the Secretary any doses of the vaccine that are not needed for the vaccination of individuals in priority groups, so that the Secretary can distribute the doses for administration to individuals in the priority groups.

''(b) LEGISLATIVE BRANCH.—The Attending Physician of the Capitol shall ensure that any influenza vaccine in the possession of the Attending Physician shall—

''(1) be administered only to employees of the legislative branch of the Federal Government who are in priority groups; and

''(2) provide to the Secretary any doses of the vaccine that are not needed for the vaccination of individuals in priority groups, so that the Secretary can distribute the doses for administration to individuals in the priority groups.

''SEC. 2148. ENHANCING EXISTING COUNTERMEASURES AGAINST INFLUENZA.

''(a) AUTHORIZATION TO PURCHASE.—The Secretary may, subject to amounts appropriated under subsection (d), purchase at a reasonable price, such additional amounts of any drug approved by the Commissioner of Food and Drugs to treat influenza as are determined necessary by the Secretary.

''(b) ADDITION TO STOCKPILE.—The Secretary shall include any drug purchased under subsection (a) in the stockpile established under section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

''(c) INCREASING THE EFFECTIVENESS OF EXISTING VACCINE SUPPLIES.—The Secretary, acting through the Director of the National Institutes of Health, shall conduct a clinical trial or trials to determine whether influenza vaccine can be diluted and continue to retain its effectiveness in preventing influenza in individuals in priority groups.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2149. NATIONAL QUARANTINE COMPENSATION PROGRAM.

''(a) IN GENERAL.—There is established the National Quarantine Compensation Program to be administered by the Secretary under which compensation shall be paid to individuals who are subjected to an order of quarantine issued by a Federal or State health agency.

''(b) AMOUNT.—An individual's compensation under the National Quarantine Compensation Program shall be equal to wages lost as a result of such individual being subjected to the quarantine.

''(c) APPROPRIATIONS.—There are authorized to be appropriated and there are hereby appropriated to carry out subsections (a) and (b) such sums as may be necessary.

''SEC. 2150. EMPLOYMENT RIGHTS AND PROTECTIONS RELATING TO FEDERALLY MANDATED HEALTH-RELATED QUARANTINE.

''(a) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer'—

''(A) means any person engaged in commerce or in any industry or activity affecting commerce; and

''(B) includes—

''(i)(I) any person who acts, directly or indirectly, in the interest of a person described in subparagraph (A) to any of the employees of such person; or

''(II) any successor in interest of a person described in subparagraph (A);

''(ii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x));

''(iii) the Government Accountability Office, the Government Printing Office, and the Library of Congress; and

''(iv) all other legislative branch entities identified as employing offices in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

''(2) EMPLOYMENT BENEFITS.—The term 'employment benefits' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an employee benefit plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

''(3) SECRETARY.—

''(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the term 'Secretary' means the Secretary of Labor.

''(B) EXCEPTIONS.—In the case of actions brought regarding employees—

''(i) of the Government Accountability Office, the term 'Secretary' means the Comptroller General of the United States;

''(ii) of the Government Printing Office, the term 'Secretary' means the Public Printer;

''(iii) of the Library of Congress, the term 'Secretary' means the Librarian of Congress; and

''(iv) of any other legislative branch employer, the term 'Secretary' means the Office of Compliance.

''(b) EMPLOYMENT RIGHTS, BENEFITS, AND PROTECTION FROM DISCRIMINATION.—

''(1) RESTORATION TO POSITION.—Any individual subjected to an order of quarantine issued by a Federal or State health agency shall be entitled, on return from such quarantine—

''(A) to be restored by the employer of such individual to the position of employment held by the individual when the quarantine of such individual commenced; or

''(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

''(2) BENEFITS.—An individual restored to such individual's position, or equivalent position, pursuant to paragraph (1) shall be entitled to the seniority and other rights and benefits that the individual had on the date when the quarantine of such individual commenced, plus the additional seniority and rights and benefits that the individual would have attained had the individual not been subjected to a federally mandated health-related quarantine.

''(3) PROTECTION FROM DISCRIMINATION.—It shall be unlawful for an employer to discharge or in any other manner discriminate against any individual on the basis of such individual's being, or having been, subjected to a federally mandated health-related quarantine.

''(c) INVESTIGATIVE AUTHORITY; ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary shall ensure compliance with the provisions of subsection (b) and enforce violations of subsection (b).

''(2) SAME AUTHORITIES.—In order to carry out paragraph (1), the Secretary shall have the same authorities as provided to the Secretary under sections 106 and 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 209 and 210) to ensure compliance with and enforce violations of the Family and Medical Leave Act of 1993.

''(d) STATE AND LOCAL LAWS.—Nothing in this section shall be construed to supersede any provision of any State or local law that provides greater rights than the rights established under this section.''.

''SEC. 2151. ASSURING THAT INDIVIDUALS IN PRIORITY GROUPS RECEIVE VACCINES.

''(a) DETERMINATIONS.—Not later than 30 days after the date of enactment of the Emergency Flu Response Act of 2004, and every 30 days thereafter, the Secretary shall review the effectiveness of measures taken under sections 2142 through 2147 and determine whether the measures have ensured the distribution of influenza vaccine for administration to individuals in priority groups. If the Secretary determines that the measures have not ensured that distribution, the Secretary—

''(1) may take the actions described in subsection (b) if the Secretary determines that such actions are needed to protect the public health; and

''(2) shall notify the appropriate committees of Congress of such determination.

''(b) ASSURING THE INDIVIDUALS IN PRIORITY GROUPS RECEIVE VACCINES.—On making the determination described in subsection (a), the Secretary may require that a person, not including a person that is a manufacturer of influenza vaccine, who possesses influenza vaccine sell such person's supply of the influenza vaccine to the Federal Government, as an exercise of the Federal Government's power to take private property for public use, for just compensation.

''(c) PRIORITIZATION.—The Secretary shall distribute the doses of influenza vaccine obtained under subsection (b) in a manner determined appropriate by the Secretary to ensure that such vaccine is administered to individual in priority groups.''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator JACK REED in introducing the ''Emergency Flu Response Act of 2004.'' I commend him for his leadership on this important issue. I also commend our colleagues, Senator BAYH and Senator CRAIG, for their thoughtful proposal.

The Emergency Flu Response Act gives the nation's health agencies the tools they need to respond to the current shortage of flu vaccine, to protect the public health from the danger of influenza and to maximize the value of our reduced vaccine stocks.

During last year's flu season, we experienced unprecedented public demand for the flu vaccine. Fears that last year's flu strain was more virulent than those of previous years fueled the public's demand and resulted in the administration of all 87 million doses produced. Anticipating a similar demand for this upcoming flu season, the two companies that manufacture the flu vaccine planned to produce 100 million doses for the United States.

On Tuesday, one of those companies lost its license due to manufacturing concerns and is unable to ship approximately 48 million doses. In one day, America lost about half the country's supply of the flu vaccine—and fifteen States have lost their entire supply of influenza vaccine for adults.

Clearly, Congress should take action to strengthen the Nation's supply of flu vaccine. My colleagues, Senator BAYH and Senator CRAIG, have offered thoughtful proposals on strengthening the flu vaccine supply in future years, and these proposals merit careful consideration by Congress. Many members of our Health committee have also shown great leadership on vaccine issues.

Due to the long period of time necessary to produce more vaccine, however, measures to increase the supply of new vaccine will have little effect on the current shortage.

We must make every effort to see whether additional flu vaccine can be found. The bill requires the Secretary of Health and Human Services to seek to purchase additional vaccines available in Europe, Canada or Japan, and directs the FDA to review those vaccines using the flexible and expedited review process provided under the Project BioShield legislation. We should also provide NIH with the resources and the clear direction to determine whether existing flu vaccine stocks can be diluted and still retain their effectiveness. NIH provided a valuable service to the nation by conducting similar studies with smallpox vaccine.

These measures may increase the effective supply of vaccine available to the nation, but even these measures may not be sufficient to meet the nation's needs. With flu season imminent, Congress must take steps immediately to give our health agencies the resources and authority they need to make best use of the supply currently available.

Our health professionals should make sure that those most at risk for complications from flu get vaccinated first. We must learn from the lessons from last year's flu season and use that knowledge to ensure that at Americans at highest risk have priority access to the flu shot.

We must act quickly. We know that there are 54 million doses available and we need to ensure that every one of them reaches those at highest risk of complications from flu. The bill provides funding for states to develop plans to effectively distribute vaccines to high priority groups. It also requires the tracking of available vaccines, so that doses can be directed to those who need it most.

Many employers contract directly with vaccine manufacturers to provide a supply of vaccines for their workforce. Our bill establishes a vaccine clearinghouse to facilitate the voluntary donation of vaccine from individuals or companies with employees at low risk of infection to individuals at high risk. Further, this bill gives HHS the ability to purchase vaccine back from employers and wholesalers for redistribution.

The Federal government should set an example of good vaccination practices. Our bill requires Federal Departments and the Attending Physician of the Capitol to abide by CDC recommendations on who should receive vaccine. If Members of Congress and their staffs cannot reserve flu vaccine for those most in need, how can we ask the American public to do so?

We must also learn from Canada's experience with the SARS outbreak in Toronto last year. During that outbreak, many people were forced to remain home from work to prevent the spread of SARS. Some lost their wages during that time, and some even lost their jobs. Even more worrisome is that some people ignored the quarantine orders out of fear of repercussions at work. Our bill will assure that those who lose wages in complying with a Federal or State quarantine order will be fully compensated, and will be protected from losing their employment or related benefits.

Finally, we must recognize that voluntary measures may not be enough to

avert a crisis. For this reason, the legislation gives HHS emergency authority to require that vaccine supplies be administered to those in highest need if it determines that voluntary measures have failed, and that to do otherwise would pose a significant danger to the public health.

Let's not let history repeat itself. We need to be prepared for flu vaccine shortages and influenza pandemics in the future, and we need to respond effectively to the current shortage. I urge my colleagues to support the ''Emergency Flu Response Act of 2004.'' We face a crisis, and Congress should not delay in enacting this needed legislation.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 142—RECOGNIZING THE SIGNIFICANT ACHIEVEMENTS OF THE PEOPLE AND GOVERNMENT OF AFGHANISTAN SINCE THE EMERGENCY LOYA JIRGA WAS HELD IN JUNE 2002 IN ESTABLISHING THE FOUNDATION AND MEANS TO HOLD PRESIDENTIAL ELECTIONS ON OCTOBER 9, 2004

Mr. HAGEL (for himself, Mr. LUGAR, Mr. BIDEN, Mr. LEAHY, Mr. MCCAIN, Mr. SUNUNU, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 142

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares that the ''United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan'';

Whereas on January 4, 2004, the Constitutional Loya Jirga of Afghanistan adopted a constitution that promises free elections with full participation by women and establishes a legislative foundation for democracy in Afghanistan;

Whereas on June 15, 2004, President Bush stated that ''Afghanistan's journey to democracy and peace deserves the support and respect of every nation. . . .The world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.'';

Whereas the independent Joint Electoral Management Body in Afghanistan and thousands of its staff throughout Afghanistan have worked to register voters and organize a fair and transparent election process despite violent and deadly attacks on them and on the purpose of their work;

Whereas more than 10,500,000 Afghans have been reported registered to vote, demonstrating great courage and a deep desire to have a voice in the future of Afghanistan, and more than 40 percent of those reported registered to vote are women;

Whereas the presidential election campaign in Afghanistan officially began on September 7, 2004 and 18 candidates, including one woman, are seeking the presidency;

Whereas on October 9, 2004, the people of Afghanistan will vote in the first direct presidential election, at the national level, in Afghanistan's history at 5,000 polling centers located throughout Afghanistan, as well as polling centers in Pakistan and Iran;

Whereas the United States, the European Union, the Organization for Security and Cooperation in Europe, and the Asian Network for Free Elections will send monitors and support teams to join the more than 4,000 domestic election observers in Afghanistan for the presidential election;

Whereas the United States and many international partners have provided technical assistance and financial support for elections in Afghanistan; and

Whereas the International Security Assistance Force (ISAF), led by the North Atlantic Treaty Organization (NATO), and coalition forces will join the Afghan National Army and police in Afghanistan to help provide security during the presidential election: Now, therefore, be it

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

(1) the United States applauds the steadfast commitment of the people of Afghanistan to achieve responsive and responsible government through democracy;

(2) the United States strongly supports self-government and the protection of human rights and freedom of conscience for all men and women in Afghanistan; and

(3) the United States remains committed to a long-term partnership with the people of Afghanistan and to a peaceful future for Afghanistan.

Mr. HAGEL. Mr. President, I rise today to submit a resolution recognizing the landmark Presidential elections that will take place in Afghanistan this Saturday, October 9, 2004.

My colleagues Senators LUGAR, R-IN, BIDEN, D-DE, LEAHY, D-VT, MCCAIN, R-AZ, SUNUNU, R-NH and DODD, D-CT, join me as original co-sponsors of this resolution.

The Government and people of Afghanistan deserve our praise and recognition for their achievements since the emergency Loya Jirga of June 2002. The process leading to this historic election has not always been easy. Warlords and Taliban members have sought to intimidate voters and disrupt the process. But the government of President Hamid Karzai and the people of Afghanistan have not been deterred. More than 10.5 million Afghan citizens have been reported registered to vote, reflecting the courage and commitment of Afghans to a democratic future. Over forty per cent of those registered are women.

The Afghanistan Freedom Support Act of 2002, PL 107–327, authorized the United States Government to provide $3.3 billion in political, economic and security assistance to Afghanistan. It also expressed the U.S. Congress's support for the development of democratic institutions and a fully representative government in Afghanistan that respects religious freedom and the rights of women. The presidential election this week is a critical benchmark for America's commitment to a long-term partnership with Afghanistan for responsible governance and a more peaceful future.

America's interests in Afghanistan are linked to our wider regional objectives in the war on terrorism, and in promoting security and more open political and economic systems throughout the Greater Middle East and Central Asia.

President Bush said on June 15, 2004, that ''the world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.''

I ask the Senate to recognize the historic achievement of the Afghan people in holding presidential elections this week, and to join the co-sponsors of this resolution and me in expressing our continued support for the people of Afghanistan.

SENATE CONCURRENT RESOLUTION 143—RECOGNIZING COMMUNITY ORGANIZATION OF PUBLIC ACCESS DEFIBRILLATION PROGRAMS

Mr. DEWINE (for himself, Mrs. MURRAY, Mr. FRIST, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 143

Whereas coronary heart disease is the single leading cause of death in the United States;

Whereas every two minutes, an individual suffers from cardiac arrest in the United States, and 250,000 Americans die each year from cardiac arrest out of hospital;

Whereas the chance of survival for a victim of cardiac arrest diminishes by ten percent each minute following sudden cardiac arrest;

Whereas 80 percent of cardiac arrests are caused by ventricular fibrillation, for which defibrillation is the only effective treatment;

Whereas 60 percent of all cardiac arrests occur outside the hospital, and the average national survival rate for an out-of-hospital victim of cardiac arrest is only five percent;

Whereas automated external defibrillators (AEDs) make it possible for trained non-medical rescuers to deliver potentially life-saving defibrillation to victims of cardiac arrest;

Whereas public access defibrillation (PAD) programs train non-medical individuals to use AEDs;

Whereas communities that have established and implemented PAD programs that make use of AEDs have achieved average survival rates as high as 50 percent for those individuals who have suffered an out-of-hospital cardiac arrest;

Whereas successful PAD programs ensure that cardiac arrest victims have access to early 911 notification, early cardiopulmonary resuscitation, early defibrillation, and advanced care;

Whereas schools, sports arenas, large hotels, concert halls, high-rise buildings, gated communities, buildings subject to high-security, and similar facilities can benefit greatly from the use of AEDs as part of a PAD program, since it often takes additional and therefore critical time for emergency medical personnel to respond to victims of cardiac arrest in these areas;

Whereas widespread use of defibrillators could save as many as 50,000 lives nationally each year;

Whereas the Aviation Medical Assistance Act of 1998 (Public Law 105–170; 49 U.S.C. 44701 note) authorized AEDs to be carried and used aboard commercial airliners;

Whereas the Cardiac Arrest Survival Act of 2000 (Public Law 106–505; 42 U.S.C. 238p–238q)

provided for the placement of AEDs in Federal office buildings;

Whereas the Rural Access to Emergency Devices Act (Public Law 106–505, 42 U.S.C. 254c note) increased access to AEDs in rural communities;

Whereas the Community Access to Emergency Defibrillation Act of 2001 (Public Law 107–188; 42 U.S.C. 244–245) authorized the development and implementation of PAD projects; and

Whereas the Automatic Defibrillation in Adam's Memory Act authorizes the use of grant funds to establish an information clearinghouse to provide information to increase public access to defibrillation in schools: Now, therefore, be it

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

(1) recognizes the growing number of community activists, organizations, and municipal governments leading the national effort to establish public access defibrillation (PAD) programs; and

(2) encourages the continued development and implementation of PAD programs in schools, sports arenas, NASCAR race tracks, large hotels, concert halls, public housing, high-rise buildings, gated communities, buildings subject to high-security, and similar facilities to increase the survival rate for victims of cardiac arrest.

Mr. DEWINE. Mr. President, I rise today to submit a Resolution that would recognize the value and importance of automated external defibrillators (AEDs) in our Nation's communities. It is an important Resolution that sends a message of support to our communities, neighborhoods, schools and businesses.

For my colleagues who do not know, AEDs or automated external defibrillators, are devices that, when used properly, administer an electric shock through the chest wall to the heart. These devices are used on people who are suffering from heart attacks or have gone into full cardiac arrest.

Many of my colleagues may have seen these devices in airports or in other public spaces such as stadiums or shopping malls. They have been made widely visible and available because, according to the American Heart Association, ''AEDs strengthen the chain of survival. They can restore a normal heart rhythm in sudden cardiac arrest victims.''

What makes AEDs so valuable to our communities is that they are extremely effective and they are easy to use. A microprocessor, which is embedded in the AEDs analyzes a person's heart rhythm and determines whether an electrical shock is necessary to restore normal heart function. The American Heart Association makes clear the value of having access to AEDs—''When a person suffers a sudden cardiac arrest, for each minute that passes without defibrillation, their chance of survival decreases by 7 to 10 percent.'' Fortunately, many communities have realized the benefit of AEDs and have begun creating Public Access Defibrillation programs (PADs). There are a number of Public Access Defibrillation programs throughout our country, and I'm happy to say a few of them are in Ohio.

These State, local and community PAD programs are a valuable asset because they ensure that automated external defibrillation accessible and available to cardiac arrest victims in the community and provide appropriate training in performing cardiopulmonary resuscitation and the use of automated external defibrillators.

This resolution simply recognizes the Public Access Defibrillator programs for all of their good work to make it possible for communities to access these life-saving devices. My resolution also encourages the continued creation of PADs so that more people, in more places, have access to AEDs.

Finally, my Senate colleagues and I have long supported automatic external defibrillators and their increased use in communities, particularly rural communities. In fact, just this year, the Senate Labor Health and Human Services Appropriations subcommittee provides $10,933,000 for rural and community access to emergency devices. This funding provides grants to expand placement of automatic external defibrillators and to provide for training.

I ask my colleagues to support this resolution, to pass this resolution, and to encourage the continued development of Public Access Defibrillator (PAD) programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4043. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; which was ordered to lie on the table.

SA 4044. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 2486, to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration or benefits for veterans, and for other purposes.

TEXT OF AMENDMENTS

SA 4043. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement of 1982, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—NATIVE HAWAIIAN GOVERNMENT REORGANIZATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Native Hawaiian Government Reorganization Act of 2004''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national

lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this title provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. ___03. DEFINITIONS.

In this title:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term ''adult member'' means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term ''commission'' means the Commission established under section 207(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in section 203(8).

(5) COUNCIL.—The term ''council'' means the Native Hawaiian Interim Governing Council established under section 207(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section 206.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section 207(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term ''Native Hawaiian'' means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian Governing Entity'' means the governing entity organized by the Native Hawaiian people pursuant to this title.

(10) OFFICE.—The term ''Office'' means the United States Office for Native Hawaiian Relations established under section 205(a).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. ___04. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this title is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for

purposes of continuing a government-to-government relationship.

SEC. ___05. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. ___06. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 205(b)(5).

SEC. ___07. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 203(8).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 203(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 203(8).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 203(8) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 203(8).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 203(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register;

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 203(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 203(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 203(8).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 203(8), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who

claims to meet the definition of Native Hawaiian in section 203(8) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 203(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this title; and

(II) shall have no powers other than powers given to the Council under this title.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 208(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 208(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. ___08. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this title serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 207(c)(6).

SEC. ___09. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing in this title shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this title provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. ___10. SEVERABILITY.

If any section or provision of this title is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 4044. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 2486, to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration or benefits for veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Improvement Act of 2004''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—VETERANS EARN AND LEARN ACT

Sec. 101. Short title.
Sec. 102. Modification of benefit entitlement charges for certain on-job training programs.
Sec. 103. Increase in benefit for individuals pursuing apprenticeship or on-job training.
Sec. 104. Authority for competency-based apprenticeship programs.
Sec. 105. Ten-year extension of delimiting period for survivors' and dependents' educational assistance for spouses of members who die on active duty.
Sec. 106. Availability of education benefits for payment for national admissions exams and national exams for credit at institutions of higher education.
Sec. 107. Requirement for coordination of data among the Departments of Veterans Affairs, Defense, and Labor with respect to on-job training.
Sec. 108. Pilot program to provide on-job benefits to train Department of Veterans Affairs' claims adjudicators.
Sec. 109. Collection of payment for educational assistance under Montgomery GI Bill from members of the Selected Reserve called to active duty.
Sec. 110. Technical and conforming amendments.

TITLE II—EMPLOYMENT MATTERS

Subtitle A—Employment and Reemployment Rights

Sec. 201. Two-year period of continuation of employer-sponsored health care coverage.
Sec. 202. Reinstatement of reporting requirements.
Sec. 203. Requirement for employers to provide notice of rights and duties under USERRA.
Sec. 204. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

Subtitle B—Other Matters

Sec. 211. Report of employment placement, retention, and advancement of recently separated servicemembers.

TITLE III—BENEFITS MATTERS

Sec. 301. Additional dependency and indemnity compensation for surviving spouses with dependent children.
Sec. 302. Offset of veterans' disability compensation and dependency and indemnity compensation from awards under radiation exposure compensation program.
Sec. 303. Exclusion of life insurance proceeds from consideration as income for veterans' pension purposes.
Sec. 304. Certain service-connected disability benefits authorized for persons disabled by treatment or vocational rehabilitation provided by the Department of Veterans Affairs.
Sec. 305. Effective date of death pension.
Sec. 306. Codification of administrative actions relating to presumptions of service connection for veterans exposed to ionizing radiation.
Sec. 307. Codification of cost-of-living adjustment provided in Public Law 108–47.
Sec. 308. Cross-reference amendments relating to concurrent payment of retired pay and veterans' disability compensation.

TITLE IV—HOUSING MATTERS

Sec. 401. Authority to provide specially adapted housing to certain disabled veterans.
Sec. 402. Transitional housing amendments.
Sec. 403. Increase in maximum amount of home loan guaranty for construction and purchase of homes and annual indexing of amount.
Sec. 404. Extension of authority for guarantee of adjustable rate mortgages.
Sec. 405. Extension and improvement of authority for guarantee of hybrid adjustable rate mortgages.
Sec. 406. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.
Sec. 407. Three-year extension of Native American veteran housing loan pilot program.

TITLE V—MATTERS RELATING TO FIDUCIARIES

Sec. 501. Definition of fiduciary.
Sec. 502. Inquiry, investigations, and qualification of fiduciaries.
Sec. 503. Misuse of benefits by fiduciaries.
Sec. 504. Additional protections for beneficiaries with fiduciaries.
Sec. 505. Annual report.
Sec. 506. Annual adjustment in benefits thresholds.
Sec. 507. Effective dates.

TITLE VI—MEMORIAL AFFAIRS MATTERS

Sec. 601. Designation of Prisoner of War/Missing in Action National Memorial, Riverside National Cemetery, Riverside, California.
Sec. 602. Lease of certain National Cemetery Administration property.
Sec. 603. Exchanges of real property for national cemeteries.

TITLE VII—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

Sec. 701. Clarification of meaning of ''judgment'' as used in the Act.
Sec. 702. Requirements relating to waiver of rights under the Act.
Sec. 703. Right of servicemember plaintiffs to request stay of civil proceedings.
Sec. 704. Termination of leases.

TITLE VIII—OTHER MATTERS

Sec. 801. Principal office of United States Court of Appeals for Veterans Claims.
Sec. 802. Technical amendments relating to the United States Court of Appeals for Veterans Claims.
Sec. 803. Extension of biennial report of Advisory Committee on Former Prisoners of War.
Sec. 804. Availability of administrative and judicial redress for certain veterans denied opportunity to compete for Federal employment.
Sec. 805. Report on servicemembers' and veterans' awareness of benefits and services available under laws administered by Secretary of Veterans Affairs.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS EARN AND LEARN ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Veterans Earn and Learn Act of 2004''.

SEC. 102. MODIFICATION OF BENEFIT ENTITLEMENT CHARGES FOR CERTAIN ON-JOB TRAINING PROGRAMS.

(a) IN GENERAL.—Section 3687 is amended by adding at the end the following new subsection:

''(e)(1) For each month that an individual (as defined in paragraph (3)) is paid a training assistance allowance under subsection (a), the entitlement of the individual shall be charged at a percentage rate (rounded to the

nearest percent) that is equal to the ratio of—

''(A) the training assistance allowance for the month involved, to

''(B) the monthly educational assistance allowance otherwise payable for full-time enrollment in an educational institution.''.

''(2) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

''(3) In this section, the term 'individual' means—

''(A) an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title, or

''(B) an eligible person who is entitled to monthly educational assistance allowances payable under section 3532(a) of this title,

as the case may be.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after September 30, 2005.

SEC. 103. INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON–JOB TRAINING.

(a) MONTGOMERY GI BILL.—For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (c)(1) of section 3032 of title 38, United States Code, shall be applied as if—

(1) the reference to ''75 percent'' in subparagraph (A) were a reference to ''85 percent'';

(2) the reference to ''55 percent'' in subparagraph (B) were a reference to ''65 percent''; and

(3) the reference to ''35 percent'' in subparagraph (C) were a reference to ''45 percent''.

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.—For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (a) of section 3233 of title 38, United States Code, shall be applied as if—

(1) the reference to ''75 percent'' in paragraph (1) were a reference to ''85 percent'';

(2) the reference to ''55 percent'' in paragraph (2) were a reference to ''65 percent''; and

(3) the reference to ''35 percent'' in paragraph (3) were a reference to ''45 percent''.

(c) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—(1) For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (b)(2) of section 3687 of title 38, United States Code, shall be applied as if—

(A) the reference to ''$574 for the first six months'' were a reference to ''$650 for the first six months'';

(B) the reference to ''$429 for the second six months'' were a reference to ''$507 for the second six months''; and

(C) the reference to ''$285 for the third six months'' were a reference to ''$366 for the third six months''.

(2) Subsection (d) of such section 3687 shall not apply with respect to the provisions of paragraph (1) for months occurring during fiscal year 2006.

(3) For months beginning on or after January 1, 2008, the Secretary shall carry out subsection (b)(2) of such section 3687 as if paragraphs (1) and (2) were not enacted into law.

(d) SELECTED RESERVE MONTGOMERY GI BILL.—For months beginning on or after October 1, 2005, and before January 1, 2008, Subsection (d)(1) of section 16131 of title 10, United States Code, shall be applied as if—

(1) the reference to ''75 percent'' in subparagraph (A) were a reference to ''85 percent'';

(2) the reference to ''55 percent'' in subparagraph (B) were a reference to ''65 percent''; and

(3) the reference to ''35 percent'' in subparagraph (C) were a reference to ''45 percent''.

SEC. 104. AUTHORITY FOR COMPETENCY-BASED APPRENTICESHIP PROGRAMS.

(a) IN GENERAL.—Section 3672(c) is amended—

(1) by striking ''(1)'' and ''(2)'' and inserting ''(A)'' and ''(B)'', respectively;

(2) by inserting ''(1)'' after ''(c)''; and

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

''(2) The period of a program of apprenticeship may be determined based upon a specific period of time (commonly referred to as a 'time-based program'), based upon the demonstration of successful mastery of skills (commonly referred to as a 'competency-based program'), or based upon a combination thereof.

''(3)(A) In the case of a competency-based program of apprenticeship, State approving agencies shall determine the period for which payment may be made for such a program under chapters 30 and 35 of this title and chapter 1606 of title 10. In determining the period of such a program, State approving agencies shall take into consideration the approximate term of the program recommended in registered apprenticeship program standards recognized by the Secretary of Labor.

''(B) The sponsor of a competency-based program of apprenticeship shall provide notice to the State approving agency involved of any such standards that may apply to the program and the proposed approximate period of training under the program.

''(4) The sponsor of a competency-based program of apprenticeship shall notify the Secretary upon the successful completion of a program of apprenticeship by an individual under chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be.''.

(b) INCREASED USE OF APPRENTICESHIPS.—Section 3672(d)(1) is amended by adding at the end the following new sentence: ''The Secretary of Labor shall provide assistance and services to the Secretary, and to State approving agencies, to increase the use of apprenticeships.''.

(c) FUNDING FOR DEPARTMENT COMPUTER SYSTEM MODIFICATIONS.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2005 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed $3,000,000 to modify computer systems and to develop procedures required to carry out the amendments made by subsection (a) and sections 102 and 103.

SEC. 105. TEN-YEAR EXTENSION OF DELIMITING PERIOD FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE FOR SPOUSES OF MEMBERS WHO DIE ON ACTIVE DUTY.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''in subparagraph (B)'' and inserting ''in subparagraph (B) or (C)''; and

(2) by adding at the end the following new subparagraph:

''(C) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(B) of this title by reason of the death of a person on active duty may be afforded educational assistance under this chapter during the 20-year period beginning on the date (as determined by the Secretary) such person becomes an eligible person within the meaning of such section.''.

SEC. 106. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR NATIONAL ADMISSIONS EXAMS AND NATIONAL EXAMS FOR CREDIT AT INSTITUTIONS OF HIGHER EDUCATION.

(a) COVERED EXAMS.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: ''Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the Scholastic Aptitude Test (SAT), Law School Admission Test (LSAT), Graduate Record Exam (GRE), and Graduate Management Admission Test (GMAT)) and national tests providing an opportunity for course credit at institutions of higher learning (such as the Advanced Placement (AP) exam and College-Level Examination Program (CLEP)).''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the

number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

SEC. 107. REQUIREMENT FOR COORDINATION OF DATA AMONG THE DEPARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR WITH RESPECT TO ON-JOB TRAINING.

Section 3694 is amended—

(1) by striking ''In carrying out'' and inserting ''(a) IN GENERAL.—In carrying out''; and

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

''(b) COORDINATION OF INFORMATION AMONG THE DEPARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR WITH RESPECT TO ON-JOB TRAINING.—At the time of a servicemember's discharge or release from active duty service, the Secretary of Defense shall furnish to the Secretary such pertinent information concerning each registered apprenticeship pursued by the servicemember during the period of active duty service of the servicemember. The Secretary, in conjunction with the Secretary of Labor, shall encourage and assist States and private organizations to give credit to servicemembers for the registered apprenticeship program so pursued in the case of any related apprenticeship program the servicemember may pursue as a civilian.''.

SEC. 108. PILOT PROGRAM TO PROVIDE ON-JOB BENEFITS TO TRAIN DEPARTMENT OF VETERANS AFFAIRS' CLAIMS ADJUDICATORS.

Section 3677 is amended by adding at the end the following new subsection:

''(d)(1) The Secretary may conduct a pilot program under which the Secretary operates a program of training on the job under this section for a period (notwithstanding subsection (c)(2)) of up to three years in duration to train employees of the Department to become qualified adjudicators of claims for compensation, dependency and indemnity compensation, and pension.

''(2)(A) Not later than three years after the implementation of the pilot project, the Secretary shall submit to Congress an initial report on the pilot project. The report shall include an assessment of the usefulness of the program in recruiting and retaining of personnel of the Department as well as an assessment of the value of the program as a training program.

''(B) Not later than 18 months after the date on which the initial report under subparagraph (A) is submitted, the Secretary shall submit to Congress a final report on the pilot project. The final report shall include recommendations of the Secretary with respect to continuation of the pilot project and with respect to expansion of the types of claims for which the extended period of on the job training is available to train such employees.''.

SEC. 109. COLLECTION OF PAYMENT FOR EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FROM MEMBERS OF THE SELECTED RESERVE CALLED TO ACTIVE DUTY.

(a) ACTIVE DUTY PROGRAM.—Section 3011(b) is amended—

(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

(2) by designating the second sentence as paragraph (3) and in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In the case of an individual covered by paragraph (1) who is a member of the Selected Reserve, the Secretary of Defense shall collect from the individual an amount equal to $1,200 not later than one year after completion by the individual of the two years of service on active duty providing the basis for such entitlement. The Secretary of Defense may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.''.

(b) SELECTED RESERVE PROGRAM.—Section 3012(c) is amended—

(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

(2) by designating the second sentence as paragraph (3) and in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In the case of an individual covered by paragraph (1) who is a member of the Selected Reserve, the Secretary of Defense shall collect from the individual an amount equal to $1,200 not later than one year after completion by the individual of the two years of service on active duty providing the basis for such entitlement. The Secretary of Defense may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.''.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF TRAINING ESTABLISHMENT.—Section 3452(e), as amended by section 301 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2658), is amended in paragraph (5) to read as follows:

''(5) The sponsor of a program of apprenticeship.''.

(b) CLARIFICATION OF APPLICABLE APPRENTICESHIP STANDARDS.—(1) Section 3672(c), as amended by section 105(a), is amended in subparagraph (A) by inserting ''apprenticeship'' before ''standards''.

(2) Section 3672(d)(1) is amended by striking ''of programs of training on the job (including programs of apprenticeship)'' and inserting ''of apprenticeship and on the job training programs''.

(c) RECORD-KEEPING REQUIREMENTS FOR QUALIFIED PROVIDERS OF ENTREPRENEURSHIP COURSES.—(1) Section 3675(c) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding paragraph (3), a qualified provider of entrepreneurship courses shall maintain such records as the Secretary determines to be necessary to comply with reporting requirements that apply under section 3684(a)(1) of this title with respect to eligible persons and veterans enrolled in an entrepreneurship course offered by the provider.''.

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 305(a) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2660).

(d) AUTHORITY TO PAY REPORTING FEE.—Section 3684(c) is amended by striking ''or to any joint apprenticeship training committee acting as a training establishment'' and inserting ''or to the sponsor of a program of apprenticeship''.

TITLE II—EMPLOYMENT MATTERS

Subtitle A—Employment and Reemployment Rights

SEC. 201. TWO-YEAR PERIOD OF CONTINUATION OF EMPLOYER-SPONSORED HEALTH CARE COVERAGE.

(a) IMPROVEMENT IN PERIOD OF COVERAGE.—Subsection (a)(1)(A) of section 4317 is amended by striking ''18-month period'' and inserting ''24-month period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to elections made under section 4317 of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 202. REINSTATEMENT OF REPORTING REQUIREMENTS.

Section 4332 is amended in the matter preceding paragraph (1) by striking ''no later than February 1, 1996, and annually thereafter through 2000'' and inserting ''no later than February 1, 2005, and annually thereafter''.

SEC. 203. REQUIREMENT FOR EMPLOYERS TO PROVIDE NOTICE OF RIGHTS AND DUTIES UNDER USERRA.

(a) NOTICE.—Chapter 43 is amended by adding at the end the following new section:

''§ 4334. Notice of rights and duties

''(a) REQUIREMENT TO PROVIDE NOTICE.—Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

''(b) CONTENT OF NOTICE.—The Secretary shall provide to employers the text of the notice to be provided under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4334. Notice of rights and duties.''.

(c) IMPLEMENTATION.—(1) Not later than the date that is 90 days after the date of the enactment of this Act, the Secretary of Labor shall make available to employers the notice required under section 4334 of title 38, United States Code, as added by subsection (a).

(2) The amendments made by this section shall apply to employers under chapter 43 of title 38, United States Code, on and after the first date referred to in paragraph (1).

SEC. 204. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a demonstration project under which certain claims against Federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim.

(b) REFERRAL OF ALL PROHIBITED PERSONNEL ACTION CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.—(1) Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under the Uniformed Services Employment and Reemployment Rights Act with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) For purposes of paragraph (1), a related claim is a claim involving the same Federal

executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under the Uniformed Services Employment and Reemployment Rights Act.

(c) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.—(1) Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) A claim referred to in paragraph (1) is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit, or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) ADMINISTRATION OF DEMONSTRATION PROJECT.—(1) The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) In the case of any claim referred, or otherwise received by, to the Office of Special Counsel under the demonstration project, any reference to the ''Secretary'' in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed a reference to the ''Office of Special Counsel''.

(3) In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) PERIOD OF PROJECT.—The demonstration project shall be carried out during the period beginning on the date that is 60 days after the date of the enactment of this Act, and ending on September 30, 2007.

(f) EVALUATIONS AND REPORT.—(1) The Comptroller General of the United States shall conduct periodic evaluations of the demonstration project under this section.

(2) Not later than April 1, 2007, the Comptroller General shall submit to Congress a report on the evaluations conducted under paragraph (1). The report shall include the following information and recommendations:

(A) A description of the operation and results of the demonstration program, including—

(i) the number of claims described in subsection (c) referred to, or otherwise received by, the Office of Special Counsel, and the number of such claims referred to the Secretary of Labor; and

(ii) for each Federal executive agency, the number of claims resolved, the type of corrective action obtained, the period of time for final resolution of the claim, and the results obtained.

(B) An assessment of whether referral to the office of special counsel of claims under the demonstration project—

(i) improved services to servicemembers and veterans; or

(ii) significantly reduced or eliminated duplication of effort and unintended delays in resolving meritorious claims of those servicemembers and veterans.

(C) An assessment of the feasibility and advisability of referring all claims under chapter 43 of title 38, United States Code, against Federal executive agencies to the Office of Special Counsel for investigation and resolution.

(D) Such other recommendations for administrative action or legislation as the Comptroller General determines appropriate.

(g) DEFINITIONS.—In this section:

(1) The term ''Office of Special Counsel'' means the Office of Special Counsel established by section 1211 of title 5, United States Code.

(2) The term ''Secretary'' means the Secretary of Labor.

(3) The term ''Federal executive agency'' has the meaning given that term in section 4303(5) of title 38, United States Code.

Subtitle B—Other Matters

SEC. 211. REPORT OF EMPLOYMENT PLACEMENT, RETENTION, AND ADVANCEMENT OF RECENTLY SEPARATED SERVICEMEMBERS.

(a) CONTRACT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with a qualified entity to conduct a study of and prepare a report on the employment histories of recently separated servicemembers.

(b) CONTENT OF REPORT.—(1) The study conducted pursuant to subsection (a) shall consist of an analysis of employment-related data that have been collected with respect to recently separated servicemembers.

(2) In conducting the study, the qualified entity shall—

(A) determine whether the employment obtained by recently separated servicemembers is commensurate with training and education of those servicemembers;

(B) determine whether recently separated servicemembers received educational assistance or training and rehabilitation under programs administered by the Secretary of Veterans Affairs under chapter 30 or 31 of title 38, United States Code, or under chapter 1606 of title 10, United States Code;

(C) determine whether transition assistance services provided to recently separated servicemembers assisted those servicemembers in obtaining civilian employment;

(D) analyze trends in hiring of veterans by the private sector; and

(E) identify recently separated servicemembers who have reached senior level management positions.

(c) USE OF DATA.—In conducting the study under subsection (a), the qualified entity shall review data compiled and reported by the Bureau of Labor Statistics and shall collect additional data on the employment histories of recently separated servicemembers available from such other sources as the qualified entity determines to be appropriate.

(d) CONTRACT REQUIREMENTS.—(1) The contract entered into under subsection (a) shall contain such terms and conditions as the Secretary may require. The contract shall require that the report on the study be submitted to the Secretary not later than 2 years after the date on which the contract was entered into.

(2) The report required under subsection (a) shall contain the findings and conclusions of the qualified entity on the study and specific recommendations to improve employment opportunities for veterans recently separated from service in the Armed Forces, including, if appropriate, recommendations for—

(A) the establishment of networks of contacts for employment of such veterans in the private sector;

(B) outreach to private sector leaders on the merits and sound business practice of hiring such veterans; and

(C) additional methods to facilitate communication between private sector employers and such veterans who are seeking employment.

(e) FUNDING.—Payment by the Secretary for the contract entered into under subsection (a)—

(1) shall be made from the Department of Veterans Affairs appropriations account from which payments for readjustment benefits are made; and

(2) may not exceed $490,000.

(f) DEFINITIONS.—In this section:

(1) The term ''qualified entity'' means an entity or organization that meets the following requirements:

(A) Demonstrated experience in conducting employment surveys of recently separated servicemembers, including Internet-based surveys, that meet such quality assurance requirements as the Secretary determines appropriate.

(B) Demonstrated familiarity with veteran employment matters.

(C) Demonstrated ability in developing plans to market veterans as employment assets.

(D) Demonstrated ability to acquire services at no cost from other organizations, such as technology, staff services, and advertising services.

(E) Demonstrated ability to develop relationships, establish employment networks, and facilitate interaction between private and public sector leaders and veterans.

(2) The term ''employment history'' means, with respect to a recently separated servicemember, training, placement, retention, and advancement in employment of that servicemember.

(3) The term ''recently separated servicemember'' means any veteran (as defined in section 101(2) of title 38, United States Code) discharged or released from active duty in the Armed Forces of the United States during the 16-year period beginning on January 1, 1990.

TITLE III—BENEFITS MATTERS

SEC. 301. ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN.

(a) ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION.—Section 1311 is amended by adding at the end the following new subsection:

''(e)(1) Subject to paragraphs (2) and (3), if there is a surviving spouse with one or more children below the age of 18, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $250, regardless of the number of such children.

''(2) Dependency and indemnity compensation shall be increased under this subsection only for months occurring during the two-year period beginning on the date on which entitlement to dependency and indemnity compensation commenced.

''(3) The increase in dependency and indemnity compensation of a surviving spouse under this subsection shall cease beginning with the first month commencing after the month in which all children of the surviving spouse have attained the age of 18.

''(4) Dependency and indemnity compensation under this subsection is in addition to any other dependency and indemnity compensation payable under this chapter.''.

(b) EFFECTIVE DATE.—Subsection (e) of section 1311 of title 38, United States Code, as added by subsection (a), shall take effect with respect to payments for the first month beginning after the date of the enactment of this Act.

SEC. 302. OFFSET OF VETERANS' DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION FROM AWARDS UNDER RADIATION EXPOSURE COMPENSATION PROGRAM.

(a) OFFSET IN LIEU OF FORFEITURE FROM DISABILITY COMPENSATION.—Subsection (c) of section 1112 is amended by adding at the end the following new paragraph:

''(4) A radiation-exposed veteran who receives a payment under the provisions of the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note) shall not be deprived, by reason of the receipt of that payment, of receipt of compensation to which that veteran is entitled by reason of paragraph (1), but there shall be deducted from payment of such compensation the amount of the payment under that Act.''.

(b) OFFSET IN LIEU OF FORFEITURE FROM DEPENDENCY AND INDEMNITY COMPENSATION.—Section 1310 is amended by adding at the end the following new paragraph:

''(c) A person who receives a payment under the provisions of the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note) shall not be deprived, by reason of the receipt of that payment, of receipt of dependency and indemnity compensation to which that person is otherwise entitled, but there shall be deducted from payment of such dependency and indemnity compensation the amount of the payment under that Act.''.

(c) EFFECTIVE DATE.—Paragraph (4) of section 1112(c) of title 38, United States Code, as added by subsection (a), shall take effect with respect to compensation payments for months beginning after March 26, 2002. Subsection (c) of section 1310 of such title, as added by subsection (b), shall take effect with respect to dependency and indemnity compensation payments for months beginning after March 26, 2002.

SEC. 303. EXCLUSION OF LIFE INSURANCE PROCEEDS FROM CONSIDERATION AS INCOME FOR VETERANS' PENSION PURPOSES.

Section 1503(a) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of the paragraph (10) and inserting ''; and''; and

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

''(11) lump-sum proceeds of any life insurance policy on a veteran, for purposes of pension under subchapter III of this chapter.''.

SEC. 304. CERTAIN SERVICE-CONNECTED DISABILITY BENEFITS AUTHORIZED FOR PERSONS DISABLED BY TREATMENT OR VOCATIONAL REHABILITATION PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) AUTHORIZED BENEFITS.—Section 1151 is amended by adding at the end the following new subsection:

''(c) A qualifying additional disability under this section shall be treated in the same manner as if it were a service-connected disability for purposes of the following provisions of this title:

''(1) Chapter 21, relating to specially adapted housing.

''(2) Chapter 39, relating to automobiles and adaptive equipment.''.

(b) EFFECTIVE DATE.—Subsection (c) of section 1151 of title 38, United States Code, as added by subsection (a), shall apply with respect to eligibility for benefits and services provided by the Secretary of Veterans Affairs on or after the date of the enactment of this Act.

(c) ADMINISTRATION OF OFFSET PROVISION.—Subsection (b) of section 1151 is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by inserting ''(except as otherwise provided in paragraph (2))'' after ''service-connected, then''; and

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

''(2) In the case of a judgment, settlement, or compromise covered by paragraph (1) that becomes final on or after the date of the enactment of this paragraph and that includes an amount that is specifically designated for a purpose for which benefits are provided under chapter 21 or 39 of this title (hereinafter in this paragraph referred to as the 'offset amount'), if such judgment, settlement, or compromise becomes final before the date of the award of benefits under chapter 21 or 39 for the purpose for which the offset amount was specifically designated—

''(A) the amount of such award shall be reduced by the offset amount; and

''(B) if the offset amount is greater than the amount of such award, the excess amount received pursuant to the judgment, settlement or compromise, shall be offset against benefits otherwise payable under this chapter.''.

SEC. 305. EFFECTIVE DATE OF DEATH PENSION.

Section 5110(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''death compensation or dependency and indemnity compensation'' and inserting ''death compensation, dependency and indemnity compensation, or death pension''; and

(3) by striking paragraph (2).

SEC. 306. CODIFICATION OF ADMINISTRATIVE ACTIONS RELATING TO PRESUMPTIONS OF SERVICE CONNECTION FOR VETERANS EXPOSED TO IONIZING RADIATION.

(a) COVERED DISEASES.—Subsection (c)(2) of section 1112 is amended by adding at the end the following new subparagraphs:

''(Q) Cancer of the bone.

''(R) Cancer of the brain.

''(S) Cancer of the colon.

''(T) Cancer of the lung.

''(U) Cancer of the ovary.''.

(b) COVERED RADIATION-RISK ACTIVITIES.—Subsection (c)(3)(B) of such section is amended by adding at the end the following new clause:

''(iv) Service in a capacity which, if performed as an employee of the Department of Energy, would qualify the individual for inclusion as a member of the Special Exposure Cohort under section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(14)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of March 26, 2002.

SEC. 307. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 108–47.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 is amended—

(1) by striking ''$104'' in subsection (a) and inserting ''$106'';

(2) by striking ''$201'' in subsection (b) and inserting ''$205'';

(3) by striking ''$310'' in subsection (c) and inserting ''$316'';

(4) by striking ''$445'' in subsection (d) and inserting ''$454'';

(5) by striking ''$633'' in subsection (e) and inserting ''$646'';

(6) by striking ''$801'' in subsection (f) and inserting ''$817'';

(7) by striking ''$1,008'' in subsection (g) and inserting ''$1,029'';

(8) by striking ''$1,171'' in subsection (h) and inserting ''$1,195'';

(9) by striking ''$1,317'' in subsection (i) and inserting ''$1,344'';

(10) by striking ''$2,193'' in subsection (j) and inserting ''$2,239'';

(11) in subsection (k)—

(A) by striking ''$81'' both places it appears and inserting ''$82''; and

(B) by striking ''$2,728'' and ''$3,827'' and inserting ''$2,785'' and ''$3,907'', respectively;

(12) by striking ''$2,728'' in subsection (l) and inserting ''$2,785'';

(13) by striking ''$3,010'' in subsection (m) and inserting ''$3,073'';

(14) by striking ''$3,425'' in subsection (n) and inserting ''$3,496'';

(15) by striking ''$3,827'' each place it appears in subsections (o) and (p) and inserting ''$3,907'';

(16) by striking ''$1,643'' and ''$2,446'' in subsection (r) and inserting ''$1,677'' and ''$2,497'', respectively; and

(17) by striking ''$2,455'' in subsection (s) and inserting ''$2,506''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) is amended—

(1) by striking ''$125'' in subparagraph (A) and inserting ''$127'';

(2) by striking ''$215'' and ''$64'' in subparagraph (B) and inserting ''$219'' and ''$65'', respectively;

(3) by striking ''$85'' and ''$64'' in subparagraph (C) and inserting ''$86'' and ''$65'', respectively;

(4) by striking ''$101'' in subparagraph (D) and inserting ''$103'';

(5) by striking ''$237'' in subparagraph (E) and inserting ''$241''; and

(6) by striking ''$198'' in subparagraph (F) and inserting ''$202''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking ''$588'' and inserting ''$600''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—(1) Section 1311(a) is amended—

(A) by striking ''$948'' in paragraph (1) and inserting ''$967''; and

(B) by striking ''$204'' in paragraph (2) and inserting ''$208''.

(2) The table in section 1311(a)(3) is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$967	W–4	$1,157
E–2	$967	O–1	$1,022
E–3	$967	O–2	$1,056
E–4	$967	O–3	$1,130
E–5	$967	O–4	$1,195
E–6	$967	O–5	$1,316
E–7	$1,000	O–6	$1,483
E–8	$1,056	O–7	$1,602
E–9	[1]$1,102	O–8	$1,758
W–1	$1,022	O–9	$1,881
W–2	$1,063	O–10	$2,063[2]
W–3	$1,094		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,189.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,213.

(3) Section 1311(b) is amended by striking ''$237'' and inserting ''$241''.

(4) Section 1311(c) is amended by striking ''$237'' and inserting ''$241''.

(5) Section 1311(d) is amended by striking ''$113'' and inserting ''$115''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—(1) Section 1313(a) is amended—

(A) by striking ''$402'' in paragraph (1) and inserting ''$410'';

(B) by striking ''$578'' in paragraph (2) and inserting ''$590'';

(C) by striking ''$752'' in paragraph (3) and inserting ''$767''; and

(D) by striking ''$752'' and ''$145'' in paragraph (4) and inserting ''$767'' and ''$148'', respectively.

(2) Section 1314 is amended—

(A) by striking ''$237'' in subsection (a) and inserting ''$241'';

(B) by striking ''$402'' in subsection (b) and inserting ''$410''; and

(C) by striking ''$201'' in subsection (c) and inserting ''$205''.

SEC. 308. CROSS-REFERENCE AMENDMENTS RELATING TO CONCURRENT PAYMENT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) PROHIBITION AGAINST DUPLICATION OF BENEFITS.—Section 5304(a)(1) is amended by inserting ''as provided in section 1414 of title 10 or'' after ''Except''.

(b) WAIVER OF RETIRED PAY.—Section 5305 is amended by striking ''Any'' in the first sentence and inserting ''Except as provided in section 1414 of title 10, any''.

TITLE IV—HOUSING MATTERS

SEC. 401. AUTHORITY TO PROVIDE SPECIALLY ADAPTED HOUSING TO CERTAIN DISABLED VETERANS.

The text of section 2101 is amended to read as follows:

''(a) ACQUISITION OF HOUSING WITH SPECIAL FEATURES.—(1) Subject to paragraph (3), the Secretary may assist a disabled veteran described in paragraph (2) in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor.

''(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

''(A) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(B) The disability is due to—

''(i) blindness in both eyes, having only light perception, plus

''(ii) loss or loss of use of one lower extremity.

''(C) The disability is due to the loss or loss of use of one lower extremity together with—

''(i) residuals of organic disease or injury; or

''(ii) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(D) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

''(3) The regulations prescribed under subsection (c) shall require that assistance under paragraph (1) may be provided to a veteran only if the Secretary finds that—

''(A) it is medically feasible for the veteran to reside in the proposed housing unit and in the proposed locality;

''(B) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and

''(C) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

''(b) ADAPTATIONS TO RESIDENCE OF VETERAN.—(1) Subject to paragraph (3), the Secretary shall assist any disabled veteran described in paragraph (2) (other than a veteran who is eligible for assistance under subsection (a))—

''(A) in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability; or

''(B) in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

''(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets either of the following criteria:

''(A) The disability is due to blindness in both eyes with 5/200 visual acuity or less.

''(B) The disability includes the anatomical loss or loss of use of both hands.

''(3) Assistance under paragraph (1) may be provided only to a veteran who the Secretary determines—

''(A) is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family; or

''(B) if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

''(c) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

SEC. 402. TRANSITIONAL HOUSING AMENDMENTS.

(a) USE OF VETERAN VOLUNTEERS.—Section 2051 is amended by adding at the end the following new subsection:

''(g) Notwithstanding any other provision of law, a multifamily transitional housing project that is funded by a loan guaranteed under this subchapter may accept uncompensated voluntary services performed by any eligible entity (as that term is defined in section 2011(d) of this title) in connection with the construction, alteration, or repair of such project.''.

(b) AUTHORIZATION FOR COMMERCIALLY-LEASED SPACE.—Section 2052(c)(1) is amended by striking ''services'' and inserting ''services, other commercial activities,''.

SEC. 403. INCREASE IN MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) is amended by striking ''$60,000'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''the maximum guaranty amount (as defined in subparagraph (C))''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

''(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.''.

SEC. 404. EXTENSION OF AUTHORITY FOR GUARANTEE OF ADJUSTABLE RATE MORTGAGES.

Section 3707(a) is amended by striking ''during fiscal years 1993, 1994, and 1995'' and inserting ''during fiscal years 1993 through 2008''.

SEC. 405. EXTENSION AND IMPROVEMENT OF AUTHORITY FOR GUARANTEE OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 3707A is amended by striking ''during fiscal years 2004 and 2005'' and inserting ''during fiscal years 2004 through 2008''.

(b) MODIFICATION OF INTEREST RATE ADJUSTMENT REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) in the case of the initial contract interest rate adjustment—

''(A) if the initial contract interest rate remained fixed for less than 5 years, be limited to a maximum increase or decrease of 1 percentage point; or

''(B) if the initial contract interest rate remained fixed for 5 years or more, be limited to a maximum increase or decrease of such percentage point or points as the Secretary may prescribe;

''(4) in the case of any single annual interest rate adjustment after the initial contract interest rate adjustment, be limited to a maximum increase or decrease of 1 percentage point; and''; and

(3) in paragraph (5), as so redesignated, by striking ''5 percentage points'' and all that follows and inserting ''such number of percentage points as the Secretary shall prescribe for purposes of this section.''.

(c) NO EFFECT ON GUARANTEE OF LOANS UNDER HYBRID ADJUSTABLE RATE MORTGAGE GUARANTEE DEMONSTRATION PROJECT.—The amendments made by this section shall not be construed to affect the force or validity of any guarantee of a loan made by the Secretary of Veterans Affairs under the demonstration project for the guarantee of hybrid adjustable rate mortgages under section 3707A of title 38, United States Code, as in effect on the day before the date of the enactment of this Act.

SEC. 406. TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS.

Section 3729(c) is amended—

(1) by inserting ''(1)'' before ''A fee''; and

(2) by adding at the end the following new paragraph:

''(2) A veteran who is rated eligible to receive compensation as a result of a pre-discharge disability examination and rating shall be treated as receiving compensation for purposes of this subsection as of the date on which the veteran is rated eligible to receive compensation as a result of the pre-discharge disability examination and rating without regard to whether an effective date of the award of compensation is established as of that date.''.

SEC. 407. THREE-YEAR EXTENSION OF NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

Section 3761(c) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2008''.

TITLE V—MATTERS RELATING TO FIDUCIARIES

SEC. 501. DEFINITION OF FIDUCIARY.

(a) IN GENERAL.—(1) Chapter 55 is amended by adding at the end the following new section:

''§ 5506. Definition of 'fiduciary'

''For purposes of this chapter and chapter 61 of this title, the term 'fiduciary' means—

''(1) a person who is a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant (or a claimant's estate) or of a beneficiary (or a beneficiary's estate); or

''(2) any other person having been appointed in a representative capacity to receive money paid under any of the laws administered by the Secretary for the use and benefit of a minor, incompetent, or other beneficiary.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5506. Definition of 'fiduciary'.''.

(b) CONFORMING AMENDMENTS TO SECTION 5502.—Section 5502 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''other person'' and inserting ''other fiduciary''; and

(B) in the second sentence of paragraph (2), by inserting ''for benefits under this title'' after ''in connection with rendering fiduciary services'';

(2) in subsection (b), by striking ''guardian, curator, conservator, or other person'' each place it appears and inserting ''fiduciary''; and

(3) in subsection (d), by striking ''guardian, curator, or conservator'' and inserting ''fiduciary''.

(c) CONFORMING AMENDMENT TO SECTION 6101.—Section 6101(a) is amended by striking ''guardian, curator,'' and all that follows through ''beneficiary,'' and inserting ''fiduciary (as defined in section 5506 of this title) for the benefit of a minor, incompetent, or other beneficiary under laws administered by the Secretary,''.

SEC. 502. INQUIRY, INVESTIGATIONS, AND QUALIFICATION OF FIDUCIARIES.

(a) IN GENERAL.—Chapter 55, as amended by section 501(a)(1), is further amended by adding at the end the following new section:

''§ 5507. Inquiry, investigations, and qualification of fiduciaries

''(a) Any certification of a person for payment of benefits of a beneficiary to that person as such beneficiary's fiduciary under section 5502 of this title shall be made on the basis of—

''(1) an inquiry or investigation by the Secretary of the fitness of that person to serve as fiduciary for that beneficiary, such inquiry or investigation—

''(A) to be conducted in advance of such certification;

''(B) to the extent practicable, to include a face-to-face interview with such person; and

''(C) to the extent practicable, to include a copy of a credit report for such person issued within one year of the date of the proposed appointment;

''(2) adequate evidence that certification of that person as fiduciary for that beneficiary is in the interest of such beneficiary (as determined by the Secretary under regulations); and

''(3) the furnishing of any bond that may be required by the Secretary.

''(b) As part of any inquiry or investigation of any person under subsection (a), the Secretary shall request information concerning whether that person has been convicted of any offense under Federal or State law which resulted in imprisonment for more than one year. If that person has been convicted of such an offense, the Secretary may certify the person as a fiduciary only if the Secretary finds that the person is an appropriate person to act as fiduciary for the beneficiary concerned under the circumstances.

''(c)(1) In the case of a proposed fiduciary described in paragraph (2), the Secretary, in conducting an inquiry or investigation under subsection (a)(1), may carry out such inquiry or investigation on an expedited basis that may include waiver of any specific requirement relating to such inquiry or investigation, including the otherwise applicable provisions of subparagraphs (A), (B), and (C) of such subsection. Any such inquiry or investigation carried out on such an expedited basis shall be carried out under regulations prescribed for purposes of this section.

''(2) Paragraph (1) applies with respect to a proposed fiduciary who is—

''(A) the parent (natural, adopted, or stepparent) of a beneficiary who is a minor;

''(B) the spouse or parent of an incompetent beneficiary;

''(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction; or

''(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed $3,600, as adjusted pursuant to section 5312 of this title.

''(d) TEMPORARY FIDUCIARIES.—When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the assets of the beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item added by section 501(a)(2) the following new item:

''5507. Inquiry, investigations, and qualification of fiduciaries.''.

SEC. 503. MISUSE OF BENEFITS BY FIDUCIARIES.

(a) PROTECTION OF VETERANS BENEFITS WHEN ADMINISTERED BY FIDUCIARIES.—(1) Chapter 61 is amended by adding at the end the following new sections:

''§ 6106. Misuse of benefits by fiduciaries

''(a) FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY FIDUCIARIES.—A fiduciary may not collect a fee from a beneficiary for any month with respect to which the Secretary or a court of competent jurisdiction has determined that the fiduciary misused all or part of the individual's benefit, and any amount so collected by the fiduciary as a fee for such month shall be treated as a misused part of the individual's benefit.

''(b) MISUSE OF BENEFITS DEFINED.—For purposes of this chapter, misuse of benefits by a fiduciary occurs in any case in which the fiduciary receives payment, under any of laws administered by the Secretary, for the use and benefit of a beneficiary and uses such payment, or any part thereof, for a use other than for the use and benefit of such beneficiary or that beneficiary's dependents. Retention by a fiduciary of an amount of a benefit payment as a fiduciary fee or commission, or as attorney's fees (including expenses) and court costs, if authorized by the Secretary or a court of competent jurisdiction, shall be considered to be for the use or benefit of such beneficiary.

''(c) REGULATIONS.—The Secretary may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this section.

''§ 6107. Reissuance of benefits

''(a) NEGLIGENT FAILURE BY SECRETARY.—(1) In any case in which the negligent failure of the Secretary to investigate or monitor a fiduciary results in misuse of benefits by the fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of benefits that were so misused.

''(2) There shall be considered to have been a negligent failure by the Secretary to investigate and monitor a fiduciary in the following cases:

''(A) A case in which the Secretary failed to review a fiduciary's accounting within 60 days of the date on which that accounting is scheduled for review.

''(B) A case in which the Secretary was notified of allegations of misuse, but failed to act within 60 days of the date of such notification to terminate the fiduciary.

''(C) In any other case in which actual negligence is shown.

''(b) REISSUANCE OF MISUSED BENEFITS IN OTHER CASES.—(1) In any case in which a fiduciary described in paragraph (2) misuses all or part of an individual's benefit paid to such fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of such benefit so misused.

''(2) Paragraph (1) applies to a fiduciary that—

''(A) is not an individual; or

''(B) is an individual who, for any month during a period when misuse occurs, serves 10 or more individuals who are beneficiaries under this title.

''(3) In any other case in which the Secretary obtains recoupment from a fiduciary who has misused benefits, the Secretary shall promptly remit payment of the recouped amounts to the beneficiary or the beneficiary's successor fiduciary as the case may be.

''(c) LIMITATION ON TOTAL AMOUNT PAID.—The total of the amounts paid to a beneficiary (or a beneficiary's successor fiduciary) under this section may not exceed the total benefit amount misused by the fiduciary with respect to that beneficiary.

''(d) RECOUPMENT OF AMOUNTS REISSUED.—In any case in which the Secretary reissues a benefit payment (in whole or in part) under subsection (a) or (b), the Secretary shall make a good faith effort to obtain recoupment from the fiduciary to whom the payment was originally made.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''6106. Misuse of benefits by fiduciaries.

''6107. Reissuance of benefits.''.

SEC. 504. ADDITIONAL PROTECTIONS FOR BENEFICIARIES WITH FIDUCIARIES.

(a) ONSITE REVIEWS AND REQUIRED ACCOUNTINGS.—(1) Chapter 55, as amended by section 502(a), is further amended by adding at the end the following new sections:

''§ 5508. Periodic onsite reviews of institutional fiduciaries

''In addition to such other reviews of fiduciaries as the Secretary may otherwise conduct, the Secretary shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under laws administered by the Secretary to another individual pursuant to the appointment of such person or agency as a fiduciary under section 5502(a)(1) of this title in any case in which the fiduciary is serving in that capacity with respect to more than 20 beneficiaries and the total annual amount of such benefits exceeds $50,000, as adjusted pursuant to section 5312 of this title.

''§ 5509. Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting

''(a) REQUIRED REPORTS AND ACCOUNTINGS.—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

''(b) ACTIONS UPON FAILURE TO FILE.—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the

item added by section 502(b) the following new items:

''5508. Periodic onsite reviews of institutional fiduciaries.

''5509. Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting.''.

(b) JUDICIAL ORDERS OF RESTITUTION.—(1) Chapter 61, as amended by section 503(a), is further amended by adding at the end the following new section:

''§ 6108. Authority for judicial orders of restitution

''(a) Any Federal court, when sentencing a defendant convicted of an offense arising from the misuse of benefits under this title, may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Department.

''(b) Sections 3612, 3663, and 3664 of title 18 shall apply with respect to the issuance and enforcement of orders of restitution under subsection (a). In so applying those sections, the Department shall be considered the victim.

''(c) If the court does not order restitution, or orders only partial restitution, under subsection (a), the court shall state on the record the reasons therefor.

''(d) Amounts received in connection with misuse by a fiduciary of funds paid as benefits under laws administered by the Secretary shall be paid to the individual whose benefits were misused. If the Secretary has previously reissued the misused benefits, the amounts shall be treated in the same manner as overpayments recouped by the Secretary and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 503(b) the following new item:

''6108. Authority for judicial orders of restitution.''.

SEC. 505. ANNUAL REPORT.

(a) IN GENERAL.—Chapter 55, as amended by section 504(a)(1), is further amended by adding at the end the following new section:

''§ 5510. Annual report

''The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department. As part of such information, the Secretary shall separately set forth the following: —

''(1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).

''(2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).

''(3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.

''(4) The number of fiduciaries who are the spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payees.

''(5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.

''(6) How such cases of misuse of benefits were addressed by the Secretary.

''(7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any benefits reissued to beneficiaries.

''(8) The number of fiduciary cases referred to the Office of the Inspector General and the nature of the actions taken by the Inspector General.

''(9) The total amount of money recovered by the government in cases arising from the misuse of benefits by a fiduciary.

''(10) Such other information as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the items added by the amendment made by section 504(a)(2) the following new item:

''5510. Annual report.''.

SEC. 506. ANNUAL ADJUSTMENT IN BENEFITS THRESHOLDS.

Section 5312(b)(1) is amended by inserting ''and the annual benefit amount limitations under sections 5507(c)(2)(D) and 5508 of this title,'' after ''(d)(3) of such section,''.

SEC. 507. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided, this title and the amendments made by this title shall take effect on the first day of the seventh month beginning after the date of the enactment of this Act.

(b) SPECIAL RULES.—(1) Section 5510 of title 38, United States Code, as added by section 505(a), shall take effect on the date of the enactment of this Act.

(2) Sections 6106 and 6107 of title 38, United States Code, as added by section 503(a), shall apply with respect to any determinations by the Secretary of Veterans Affairs made after the date of the enactment of this Act of misuse of funds by a fiduciary.

TITLE VI—MEMORIAL AFFAIRS MATTERS

SEC. 601. DESIGNATION OF PRISONER OF WAR/MISSING IN ACTION NATIONAL MEMORIAL, RIVERSIDE NATIONAL CEMETERY, RIVERSIDE, CALIFORNIA.

(a) DESIGNATION.—The memorial to former prisoners of war and members of the Armed Forces listed as missing in action that is under construction at Riverside National Cemetery in Riverside, California, is hereby designated: ''Prisoner of War/Missing in Action National Memorial''.

(b) EFFECT OF DESIGNATION.—Such national memorial designated by subsection (a) is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require Federal funds to be expended for any purpose related to the national memorial.

SEC. 602. LEASE OF CERTAIN NATIONAL CEMETERY ADMINISTRATION PROPERTY.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Lease of land and buildings

''(a) LEASE AUTHORIZED.—The Secretary may lease any undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery Administration.

''(b) TERM.—The term of a lease under subsection (a) may not exceed 10 years.

''(c) LEASE TO PUBLIC OR NONPROFIT ORGANIZATIONS.—(1) A lease under subsection (a) to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).

''(2) Notwithstanding section 1302 of title 40 or any other provision of law, a lease under subsection (a) to any public or nonprofit organization may provide for the maintenance, protection, or restoration of the leased property by the lessee, as a part or all of the consideration for the lease.

''(d) NOTICE.—Before entering into a lease under subsection (a), the Secretary shall give appropriate public notice of the intention of the Secretary to enter into the lease in a newspaper of general circulation in the community in which the lands or buildings concerned are located.

''(e) NATIONAL CEMETERY ADMINISTRATION FACILITIES OPERATION FUND.—(1) There is established on the book of the Treasury an account to be known as the 'National Cemetery Administration Facilities Operation Fund' (in this section referred to as the 'Fund').

''(2) The Fund shall consist of the following:

''(A) Proceeds from the lease of land or buildings under this section.

''(B) Proceeds of agricultural licenses of lands of the National Cemetery Administration.

''(C) Any other amounts appropriated to or otherwise authorized for deposit in the Fund by law.

''(3) Amounts in the Fund shall be available to cover costs incurred by the National Cemetery Administration in the operation and maintenance of property of the Administration.

''(4) Amounts in the Fund shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2412. Lease of land and buildings.''.

SEC. 603. EXCHANGES OF REAL PROPERTY FOR NATIONAL CEMETERIES.

Section 2406 is amended by inserting ''exchange,'' after ''agencies,''.

TITLE VII—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

SEC. 701. CLARIFICATION OF MEANING OF ''JUDGMENT'' AS USED IN THE ACT.

Section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511) is amended by adding at the end the following new paragraph:

''(9) JUDGMENT.—The term 'judgment' means any judgment, decree, order, or ruling, final or temporary.''.

SEC. 702. REQUIREMENTS RELATING TO WAIVER OF RIGHTS UNDER THE ACT.

Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended—

(1) in subsection (a), by inserting after the first sentence the following new sentence: ''Any such waiver that applies to an action listed in subsection (b) of this section is effective only if it is in writing and is executed as an instrument separate from the obligation or liability to which it applies.'';

(2) by redesignating subsection (c) as subsection (d); and

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

''(c) PROMINENT DISPLAY OF CERTAIN CONTRACT RIGHTS WAIVERS.—Any waiver in writing of a right or protection provided by this Act that applies to a contract, lease, or similar legal instrument must be in at least 12 point type.''.

SEC. 703. RIGHT OF SERVICEMEMBER PLAINTIFFS TO REQUEST STAY OF CIVIL PROCEEDINGS.

Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting ''plaintiff or'' before ''defendant''.

SEC. 704. TERMINATION OF LEASES.

(a) JOINT LEASES.—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(a) TERMINATION BY LESSEE.—

''(1) IN GENERAL.—The lessee on a lease described in subsection (b) may, at the lessee's option, terminate the lease at any time after—

''(A) the lessee's entry into military service; or

''(B) the date of the lessee's military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.

''(2) JOINT LEASES.—A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.''.

(b) MOTOR VEHICLES LEASES.—

(1) APPLICABILITY TO PCS ORDERS FROM STATES OUTSIDE CONUS.—Subparagraph (B) of subsection (b)(2) of such section is amended by striking ''military orders for'' and all that follows through ''or to deploy'' and inserting ''military orders—

''(i) for a change of permanent station—

''(I) from a location in the continental United States to a location outside the continental United States; or

''(II) from a location in a State outside the continental United States to any location outside that State; or

''(ii) to deploy''.

(2) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(i) DEFINITIONS.—

''(1) MILITARY ORDERS.—The term 'military orders', with respect to a servicemember, means official military orders, or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.

''(2) CONUS.—The term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(c) COVERAGE OF INDIVIDUAL DEPLOYMENTS.—Subsection (b) of such section is further amended in paragraph (1)(B) and paragraph (2)(B)(ii) (as designated by subsection (b) of this section) by inserting '', or as an individual in support of a military operation,'' after ''deploy with a military unit''.

TITLE VIII—OTHER MATTERS

SEC. 801. PRINCIPAL OFFICE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7255 is amended by striking ''District of Columbia'' and inserting ''Washington, D.C., metropolitan area''.

SEC. 802. TECHNICAL AMENDMENTS RELATING TO THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) RESTORATION OF PRIOR PROVISION RELATING TO CHIEF JUDGE.—Section 7253(d)(1) is amended by inserting after ''(1)'' the following: ''The chief judge of the Court is the head of the Court.''.

(b) CAPITALIZATION AMENDMENTS.—Section 7253(d)(4)(A) is amended by striking ''court'' in clauses (i) and (ii) and inserting ''Court''.

(c) DATE OF ENACTMENT REFERENCE.—Section 7253(h)(4) is amended by striking ''the date of the enactment of this subsection'' and inserting ''December 27, 2001,''.

SEC. 803. EXTENSION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.

Section 541(c)(1) is amended by striking ''2003'' and inserting ''2009''.

SEC. 804. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REDRESS FOR CERTAIN VETERANS DENIED OPPORTUNITY TO COMPETE FOR FEDERAL EMPLOYMENT.

(a) ADMINISTRATIVE REDRESS.—Section 3330a(a)(1) of title 5, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) A veteran described in section 3304(f)(1) who alleges that an agency has violated such section with respect to such veteran may file a complaint with the Secretary of Labor.''.

(b) JUDICIAL REDRESS.—Section 3330b(a) is amended by inserting '', or a veteran described by section 3330a(a)(1)(B) with respect to a violation described by such section,'' after ''a preference eligible''.

SEC. 805. REPORT ON SERVICEMEMBERS' AND VETERANS' AWARENESS OF BENEFITS AND SERVICES AVAILABLE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a detailed description of (1) the outreach efforts of the Department of Veterans Affairs, as of the date of the enactment of this Act, to inform members of the uniformed services and veterans (and their family members and survivors) of the benefits and services to which they are entitled under laws administered by the Secretary, and (2) the current level of awareness of those members and veterans (and family members and survivors) of those benefits and services.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of the outreach activities conducted by the Secretary in each of the three Administrations of the Department of Veterans Affairs and outreach activities conducted by other entities within the Department.

(2) The results of a national survey, conducted as described in subsection (c), to ascertain servicemembers' and veterans' level of awareness of benefits and services referred to in subsection (a) and whether servicemembers and veterans know how to access those benefits and services.

(3) Recommendations by the Secretary on how outreach and awareness activities to veterans and servicemembers may be improved.

(c) CONDUCT OF SURVEY.—The survey conducted for purposes of subsection (b)(2) shall be conducted in a manner to include a statistically valid sample of persons in each of the following groups:

(1) World War II veterans.

(2) Korean conflict era veterans.

(3) Vietnam era veterans.

(4) Persian Gulf era veterans.

(5) Active duty servicemembers.

(6) National Guard and Reserve members activated under title 10, United States Code.

(7) Family members and survivors.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. DOLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Friday, October 8, 2004, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Anna Escobedo Cabral to be United States Treasurer, U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mrs. DOLE. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Friday, October 8, 2004, from 9:30 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2004 third quarter mass mailings is Monday, October 25, 2004. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the public Records office at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nominations on the Executive Calendar. For the information of Members, these are uniformed military promotions that were reported by the Armed Services Committee. The nominations are 917 through 923, and all nominations on the Secretary's desk in the Air Force, Army, and Navy. I further ask consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David A. Brubaker, 0000
Brig. Gen. Annette L. Sobel, 0000

To be brigadier general

Colonel Eugene J. Delgado, 0000
Colonel James J. D'Agostino, 0000
Colonel Charles M. Campbell, 0000
Colonel William S. Busby, III, 0000
Colonel Robert B. Buehler, 0000
Colonel Hugh T. Broomall, 0000
Colonel Michael G. Brandt, 0000

To be major general

Brig. Gen. John M. White, 0000
Brig. Gen. Frank D. Tutor, 0000

To be brigadier general

Colonel Stephen M. Sischo, 0000
Colonel Don E. Reynolds, 0000
Colonel Richard J. Prosek, 0000
Colonel Peter S. Pawling, 0000
Colonel Dennis W. Menefee, 0000
Colone James M. Lillis, 0000
Colonel Richard D. King, 0000
Colonel David E. Holman, 0000
Colonel Allison A. Hickey, 0000
Colonel Thomas J. Haynes, 0000
Colonel Donald D. Harvel, 0000
Colonel Steven E. Foster, 0000
Colonel John B. Ellington, Jr., 0000
Colonel Richard G. Elliott, 0000

To be major general

Brig. Gen. Frank Pontelandolfo, Jr., 0000

Brig. Gen. Alan L. Cowles, 0000
Brig. Gen. Harry W. Feucht, Jr., 0000
Brig. Gen. Charles A. Morgan, III, 0000
Brig. Gen. Mark R. Musick, 0000
Brig. Gen. Allen R. Dehnert, 0000

ARMY

The following named officer for appointment in the United states Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond T. Odierno, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Rodney O. Anderson, 0000
Colonel Robert M. Brown, 0000
Colonel James L. Huggins, Jr., 0000
Colonel Jeffrey C. Horne, 0000
Colonel David D. Halverson, 0000
Colonel Mark A. Graham, 0000
Colonel Michael Ferriter, 0000
Colonel Jeffrey J. Dorko, 0000
Colonel Walter L. Davis, 0000
Colonel Charles T. Cleveland, 0000
Colonel John F. Campbell, 0000
Colonel Christopher Tucker, 0000
Colonel Michael J. Terry, 0000
Colonel Rickey L. Rife, 0000
Colonel Ernest E. Porter, 0000
Colonel Belinda Pinckney, 0000
Colonel William N. Phillips, 0000
Colonel Peter J. Palmer, 0000
Colonel Theodore C. Nicholas, 0000
Colonel James M. Milano, 0000
Colonel James C. Yarbrough, 0000
Colonel Robert H. Woods, Jr., 0000
Colonel Michael J. Walsh, 0000
Colonel Andrew B. Twomey, 0000
Colonel Michael S. Tucker, 0000
Colonel Richard R. McPhee, 0000
Colonel Anne F. Macdonald, 0000
Colonel Kevin A. Leonard, 0000
Colonel Susan S. Lawrence, 0000
Colonel Harvey T. Landwermeyer, 0000
Colonel Brian A. Keller, 0000
Colonel Nickolas G. Justice, 0000
Colonel Rodney L. Johnson, 0000
Colonel Mark A. Bellini, 0000
Colonel Steven M. Anderson, 0000
Colonel John M. Bednarek, 0000
Colonel James J. D'Agostino, 0000
Colonel Charles M. Campbell, 0000
Colonel William S. Busby, III, 0000
Colonel Robert B. Buehler, 0000
Colonel Hugh T. Broomall, 0000
Colonel Michael G. Brandt, 0000

To be major general

Brig. Gen. John M. White, 0000
Brig. Gen. Frank D. Tutor, 0000

To be brigadier general

Colonel Stephen M. Sischo, 0000
Colonel Don E. Reynolds, 0000
Colonel Richard J. Prosek, 0000
Colonel Peter S. Pawling, 0000
Colonel Dennis W. Menefee, 0000
Colonel James M. Lillis, 0000
Colonel Richard D. King, 0000
Colonel David E. Holman, 0000
Colonel Allison A. Hickey, 0000
Colonel Thomas J. Haynes, 0000
Colonel Donald D. Harvel, 0000
Colonel Steven E. Foster, 0000
Colonel John B. Ellington, Jr., 0000
Colonel Richard G. Elliott, 0000

To be major general

Brig. Gen. Frank Pontelandolfo, Jr., 0000
Brig. Gen. Alan L. Cowles, 0000
Brig. Gen. Harry W. Feucht, Jr., 0000
Brig. Gen. Charles A. Morgan, III, 0000
Brig. Gen. Mark R. Musick, 0000
Brig. Gen. Allen R. Dehnert, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond T. Odierno, 0000

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Edward T. Reidy, III, 0000

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203;

To be rear admiral (lower half)

Capt. Gregory A. Timberlake, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Edward H. Deets, III, 0000

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 624;

To be rear admiral

Rear Adm. (lh) Andrew M. Singer, 0000

AIR FORCE

PN1439 AIR FORCE nominations (160) beginning LAUREN F. * AASE, and ending SUSAN E. * YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

ARMY

PN1127 ARMY nominations (18) beginning JULIA A. ADAMS, and ending JANET L. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2003.

PN2006 ARMY nomination of Graeme J. Boyett, which was received by the Senate and appeared in the Congressional Record of September 23, 2004.

NAVY

PN2007 NAVY nominations (422) beginning BLAINE E MOWREY, and ending VICTORIA A YODER, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2004

PN2008 NAVY nominations (12) beginning JERRIS L BENNETT, and ending JESSE J ZIMBAUER, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: the Honorable Fred D. Thompson, of Tennessee, for a term beginning January 1, 2005 and expiring December 31, 2006.

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Patrick A. Mulloy of Virginia, for a term beginning January 1, 2005 and expiring December 31, 2006.

MEASURE READ THE FIRST TIME—S. 2949

Mr. FRIST. I understand S. 2949 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2949) to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes.

Mr. JEFFORDS. Mr. President, this legislation reauthorizes the Low Income Home Energy Assistance Program, or LIHEAP. I am pleased to be joined in this effort by 13 other Senators: the Junior Senator from Maine, Mrs. COLLINS, the Senior from Vermont, Mr. LEAHY, the Senator from Connecticut, Mr. DODD, the Senator from Rhode Island, Mr. REED, the Senator from Delaware, Mr. BIDEN, the Senator from Massachusetts, Mr. KENNEDY, the Senator from New Mexico, Mr. BINGAMAN, the Senator from New Jersey, Mr. LAUTENBERG, the Senator from Maryland, Mr. SARBANES, the Senior Senator from Maine, Ms. SNOWE, the Senator from New York, Mr. SCHUMER, the Senator from Wisconsin, Mr. KOHL, and the Senator from Rhode Island, Mr. CHAFEE.

Funding authorization for this critically important program technically expires at the end of fiscal year 2004. In a regular year, the fiscal year ends on September 30, a date that has already passed. Right now, our Government is operating under a temporary extension of the fiscal year 2004 budget that expires on November 20, 2004. Today, the Federal Government released money for the first quarter of 2005 at the old fiscal year 2004 funding levels. I know that the states are grateful to have this additional money in hand. We must do something now to ensure that this vital program is reauthorized at a higher funding level right away, so that we can provide America's low income families the extra help they need this winter to pay their home heating bills. Who knows now, when we will finish appropriations for fiscal year 2005? We may finish our appropriations legislation in December or January, and we seem headed down that path.

The bill my colleagues and I introduce today sends the right message to concerned constituents already worried about about how they will afford to heat their homes in the face of reported higher home heating costs in the next few months. With this bill we say even if Congress continues to extend last fiscal year's appropriations level or pass a new one, the Senate will increase the amount of money that can be put toward the LIHEAP program.

Fortunately, we know we have support in the Senate for the legislation my colleagues and I introduce today. On February 12, 2004, the Senate passed S. 1786 unanimously. S. 1786 is a bill to extend the Community Services Block Grant Act. Included in Title II, Section 202 of that bill is a provision that would provide an annual LIHEAP funding authorization of $3.4 billion in each of FY2004–FY2006 and at such sums as necessary through FY2010. This bill is identical to Section 202 of S. 1786. Given that it has moved unanimously in the past, it is my hope that the bill I introduce today can pass quickly and become law.

Why is this bill important, Mr. President? First, authorizing LIHEAP at a higher funding level would mean that a subsequent appropriations bill could add more funds to LIHEAP for this winter's heating season. All of the fiscal year 2004 appropriation for LIHEAP has been released, a total of $1.7 billion in regular funds and $99 million in contingency funds, and we've funded the first quarter of 2005 at that same funding level. Even if we wanted to add more money for LIHEAP this winter, Mr. President, Congress is running close to the total authorized limit for the program. Under current law, Congress can only give can only give LIHEAP up to $600 million in contingency funds, and $2 billion in annual regular funding. We are about to head into what is likely to be a cold winter with high fuel cost having nearly hit our credit limit in the amount we can spend on the LIHEAP program. That is wrong. It is poor financial planning and it does a grave injustice to the families that are counting on us, especially when we know fuel costs are going to be high this winter. We should make certain that we can give the LIHEAP program the money it needs, and do so now.

Second, this bill is important our constituents face an uncertain and frightening future with respect to energy costs. We should not continue to fund LIHEAP at last year's level when we know that costs are increasing. In Vermont, my state's fuel assistance programs are now receiving calls from constituents on fixed incomes that have fallen behind on their fuel payments and are concerned about making ends meet. Vermont's first deadline for applications for fuel assistance was August 31, 2004, and payments are not expected to reach eligible applicants until November. In response to this first deadline, my state received 1,800 more applications than last year. Vermont's increase in assistance applications reflects the increased heating costs throughout the Northeast and Midwest. Almost daily, newspapers are reporting on the effect of higher energy costs for consumers in these regions this winter. The Energy Information Administration released its winter forecast this week. They forecast that heating costs will increase, and heating a home with oil in particular will go up by more than 28% compared to a year ago and will cost an average of more than $1,300. Compared to average heating costs from 1998 to 2000, expenditures this winter are expected to be 45 percent higher for heating oil.

Vermont is not alone. The costs for all heating fuels will be greater than last year throughout New England and the Midwest. Natural gas will cost 11% more than it did last year, and propane will cost 17% more. This may be our last opportunity to act before the onset of cold weather in New England and the Midwest. Families and businesses who face a heating crisis this winter deserve our help. Again, I think my colleagues, and I urge swift passage of this bill.

Mr. FRIST. I ask for its second reading, and in order to place the bill on the calendar under rule XIV I object to further proceeding on this matter.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

AMENDING THE LIVESTOCK MANDATORY PRICE REPORTING ACT OF 1999

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2965, which was introduced earlier today by Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2965) to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

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 that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2965) was read the third time and passed, as follows:

S. 2965

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

SECTION 1. EXTENSION.

Section 942 of the Livestock Mandatory Price Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is amended by striking ''terminate'' and all that follows and inserting ''terminate on September 30, 2005.''.

MEASURE PLACED ON THE CALENDAR—S. 2938

Mr. FRIST. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for a second time.

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

Mr. FRIST. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The bill will be placed on the calendar.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

MODIFICATION TO AMENDMENT NO. 3977

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the passage of S. 2845, amendment No. 3977, previously agreed to, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification was agreed to, as follows:

On page 4 after the words ''and information gathering'' insert the following: ''and other''.

On page 4, after the words ''or international terrorist activities'' insert '', but does not include personnel, physical document, or communications security programs''

On page 181, after the words, ''to the national security'' insert the following: ''or involving intelligence acquired through clandestine means''.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3858, 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. 3858) to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

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 that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3858) was read the third time and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 706, S. 2486, the veterans' non-health care benefits bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2486) to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration of benefits for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2486

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 2004''.

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

[Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

[TITLE I—EDUCATION BENEFITS

[Sec. 101. Increase in maximum amount of contribution for increased amount of basic educational assistance under Montgomery GI Bill.
[Sec. 102. Pilot program on additional two-year period for use of entitlement by participants in Montgomery GI Bill for vocational or job readiness training.
[Sec. 103. Exclusion of veterans education benefits in determination of eligibility or amount of Federal educational grants and loans.
[Sec. 104. Collection of contributions for educational assistance under Montgomery GI Bill from Reserves called to active duty.

[TITLE II—HOUSING BENEFITS

[Sec. 201. Increase in maximum amount of housing loan guarantee.
[Sec. 202. Permanent authority for guarantee of adjustable rate mortgages.
[Sec. 203. Permanent authority for guarantee of hybrid adjustable rate mortgages and modification of guarantee authority.
[Sec. 204. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

[TITLE III—OTHER BENEFITS AND BENEFITS MATTERS

[Subtitle A—Employment Benefits

[Sec. 301. Availability of administrative and judicial redress for certain veterans denied opportunity to compete for Federal employment.

[Subtitle B—Medical Benefits

[Sec. 311. Prohibition on collection of co-payments for hospice care.

[Subtitle C—Extension of Benefits and Related Authorities

[Sec. 321. Extension of various authorities relating to benefits for veterans.

[Subtitle D—Other Matters

[Sec. 331. Modification of definition of minority group member for purposes of Advisory Committee on Minority Veterans.

[SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

[Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

[TITLE I—EDUCATION BENEFITS

[SEC. 101. INCREASE IN MAXIMUM AMOUNT OF CONTRIBUTION FOR INCREASED AMOUNT OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

[(a) ACTIVE DUTY BENEFIT.—Section 3011(e)(3) is amended by striking ''$600'' and inserting ''$2,000''.

[(b) SELECTED RESERVE BENEFIT.—Section 3012(f)(3) is amended by striking ''$600'' and inserting ''$2,000''.

[SEC. 102. PILOT PROGRAM ON ADDITIONAL TWO-YEAR PERIOD FOR USE OF ENTITLEMENT BY PARTICIPANTS IN MONTGOMERY GI BILL FOR VOCATIONAL OR JOB READINESS TRAINING.

[(a) IN GENERAL.—(1) Subchapter I of chapter 30 is amended by adding at the end the following new section:

[''§ 3020A. Additional two-year period for use of entitlement for vocational or job readiness instruction or training: pilot program

[''(a) PILOT PROGRAM REQUIRED.—(1) The Secretary shall carry out a pilot program to assess the feasibility and advisability of permitting individuals whose entitlement to basic educational assistance under this chapter expires under section 3031 of this title before their complete use of such entitlement to be entitled to an additional two-year period for their use of such entitlement.

[''(2) The pilot program shall commence six months after the date of the enactment of this section, and shall terminate four years after the date of the commencement of the pilot program.

[''(b) ADDITIONAL TWO-YEAR PERIOD OF ENTITLEMENT.—Notwithstanding any provision of section 3031 of this title, an individual described in subsection (c) shall, at the expiration of the 10-year period beginning on the educational assistance entitlement commencement date of such individual, be entitled to an additional two-year period for the use of entitlement to basic educational assistance under this chapter.

[''(c) ELIGIBLE INDIVIDUALS.—(1) An individual described in this subsection is any individual who—

[''(A) as of the end of the 10-year period beginning on the educational assistance entitlement commencement date of such individual—

[''(i) would remain entitled to basic educational assistance under this chapter but for the expiration of the 10-year delimiting period applicable to such individual under section 3031 of this title; and

[''(ii) has not utilized all of the entitlement of such individual to basic educational assistance under this chapter; and

[''(B) at the time of the application for entitlement under this subsection (d), is accepted, enrolled, or otherwise participating (as determined by the Secretary) in instruction or training described in subsection (e).

[''(2) This subsection does not apply to an individual otherwise described by paragraph (1) whose remaining entitlement to basic educational assistance under this chapter as described in subparagraph (A)(ii) of that paragraph is based on the transfer of basic educational assistance under section 3020 of this title.

[''(d) APPLICATION.—(1) An individual seeking an additional two-year period for the use of entitlement under this section shall submit to the Secretary an application therefor containing such information as the Secretary may require for purposes of this section.

[''(2) The Secretary may not receive applications under this subsection after the termination date of the pilot program under subsection (a)(2).

[''(e) COMMENCEMENT OF ADDITIONAL PERIOD FOR USE.—The additional two-year period for the use of entitlement by an individual under this section shall commence on the date the application of the individual under subsection (d) is received by the Secretary if the Secretary determines pursuant to a review of the application that the individual is an individual described by subsection (c) for purposes of this section.

[''(f) INSTRUCTION OR TRAINING COVERED BY ADDITIONAL PERIOD FOR USE.—(1) The instruction or training for which entitlement to basic educational assistance under this

chapter may be used during the additional two-year period for the use of entitlement under this section is as follows:

[''(A) Education leading to employment in a high technology industry for purposes of section 3014A of this title.

[''(B) A full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 3687 of this title.

[''(C) A cooperative program (as defined in section 3482(a)(2) of this title).

[''(D) A licensing or certification test approved under section 3689 of this title.

[''(E) Training or education leading toward a professional or vocational objective which has been approved in accordance with the provisions of subchapter I of chapter 36 of this title and is identified by the Secretary in regulations to be prescribed by the Secretary for purposes of this section.

[''(2) Entitlement to basic educational assistance under this chapter may not be used during the additional two-year period for the use of entitlement under this section for the instruction or training as follows:

[''(A) General education leading toward a standard college degree (as defined in section 3452(g) of this title), unless the program or training concerned will result in an associates degree that is approved by the Secretary in the manner specified in paragraph (1)(E) to be necessary to obtain a professional or vocational objective.

[''(B) Preparatory courses for a test that is required or used for admission to an institution of higher education or graduate school.

[''(g) COORDINATION WITH CERTAIN OTHER BENEFITS.—(1) An individual entitled to basic educational assistance under subsection (c) is entitled to educational and vocational counseling under section 3697A of this title in connection with the use of entitlement under this section.

[''(2) An individual using entitlement to basic educational assistance under this chapter during the additional two-year period for the use of entitlement under this section is not entitled during the use of such entitlement to the following:

[''(A) Supplemental educational assistance under subchapter III of this chapter.

[''(B) A work-study allowance under section 3485 of this title.

[''(h) EDUCATIONAL ASSISTANCE ENTITLEMENT COMMENCEMENT DATE DEFINED.—In this section, the term 'educational assistance entitlement commencement date', in the case of an individual described in subsection (b)(1), means the date on which begins the period during which the individual may use the individual's entitlement to educational assistance under chapter as determined under section 3031 of this title.

[''(i) EFFECT OF TERMINATION OF PILOT PROGRAM.—The termination of the pilot program under subsection (a)(2) shall not effect the continuing use of entitlement under this section of any individual whose additional two-year period for the use of entitlement under this section continues after the date of the termination of the pilot program under that subsection.''.

[(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3020 the following new item:

[''3020A. Additional two-year period for use of entitlement for vocational or job readiness instruction or training: pilot program.''.

[(b) CROSS-REFERENCE AMENDMENT.—Section 3031 is amended—

[(1) in subsection (a), by striking ''subsections (b) through (g), and subject to subsection (h),'' and inserting ''subsections (b) through (h), and subject to subsection (i),'';

[(2) by redesignating subsection (h) as subsection (i); and

[(3) by inserting after subsection (g) the following new subsection (h):

[''(h) An individual whose period for the use of entitlement to basic educational assistance under this chapter would otherwise expire under this section may be eligible for an additional two-year period for the use of entitlement under section 3020A of this title.''.

[SEC. 103. EXCLUSION OF VETERANS EDUCATION BENEFITS IN DETERMINATION OF ELIGIBILITY OR AMOUNT OF FEDERAL EDUCATIONAL GRANTS AND LOANS.

[(a) IN GENERAL.—(1) Subchapter II of chapter 36 is amended by inserting after section 3694 the following new section:

["§ 3694A. Exclusion of veterans education benefits in determination of eligibility or amount of Federal education grants and loans

[''(a) EXCLUSION.—Notwithstanding any other provision of law and subject to subsection (b), education benefits shall not be considered as income, assets, or other monetary resource in determining eligibility for, or the amount of, grant or loan assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

[''(b) EXCEPTION.—In the case of campus-based student financial assistance, the amount of such assistance for which an individual would otherwise be eligible without taking into consideration education benefits as described in subsection (a) shall be reduced to the extent that the sum of such amount, the amount of the education benefits of the individual, and the amount of the Federal Pell Grant, if any, of the individual exceeds the cost of attendance of the individual.

[''(c) DEFINITIONS.—In this section:

[''(1) The term 'campus-based student financial assistance' means grant, work, or loan assistance provided under subpart 3 of part A, and parts C and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq; 42 U.S.C. 2751 et seq.; 20 U.S.C. 1087aa et seq.).

[''(2) The term 'cost of attendance' has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087*ll*).

[''(3) The term 'education benefits' means education benefits under chapters 30, 32, and 35 of this title and under chapter 1606 of title 10.

[''(4) The term 'Federal Pell Grant' means a grant provided under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a).''.

[(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item referring to section 3694 the following new item:

[''3694A. Exclusion of veterans education benefits in determination of eligibility or amount of Federal education grants and loans.''.

[(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to award years, as that term is defined in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)), beginning on or after July 1, 2004.

[SEC. 104. COLLECTION OF CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FROM RESERVES CALLED TO ACTIVE DUTY.

[(a) ACTIVE DUTY PROGRAM.—Section 3011(b) is amended—

[(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

[(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

[(3) by inserting after paragraph (1), as so designated, the following new paragraph:

[''(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary shall collect from the individual an amount equal to $1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary determines appropriate.''.

[(b) SELECTED RESERVE PROGRAM.—Section 3012(c) is amended—

[(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

[(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

[(3) by inserting after paragraph (1), as so designated, the following new paragraph:

[''(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary shall collect from the individual an amount equal to $1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary determines appropriate.''.

[TITLE II—HOUSING BENEFITS

[SEC. 201. INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE.

[(a) IN GENERAL.—Subparagraph (A)(i)(IV) of section 3703(a)(1) is amended by striking ''$60,000'' and inserting ''$83,425''.

[(b) CONFORMING AMENDMENT.—Subparagraph (B) of such section is amended by striking ''$60,000'' and inserting ''$83,425''.

[SEC. 202. PERMANENT AUTHORITY FOR GUARANTEE OF ADJUSTABLE RATE MORTGAGES.

[Section 3707(a) is amended by striking ''The Secretary shall'' and all that follows through ''guaranteeing loans'' and inserting ''The Secretary shall guarantee loans''.

[SEC. 203. PERMANENT AUTHORITY FOR GUARANTEE OF HYBRID ADJUSTABLE RATE MORTGAGES AND MODIFICATION OF GUARANTEE AUTHORITY.

[(a) PERMANENT AUTHORITY.—Subsection (a) of section 3707A is amended by striking ''The Secretary shall'' and all that follows through ''guaranteeing loans'' and inserting ''The Secretary shall guarantee loans''.

[(b) MODIFICATION OF INTEREST RATE ADJUSTMENT REQUIREMENTS.—Subsection (c) of such section is amended—

[(1) by striking paragraph (3) and inserting the following new paragraph (3):

[''(3) in the case of the initial interest rate adjustment under such provisions, be limited to a maximum increase or decrease of 1 percentage point if the interest rate remained fixed for 3 or fewer years; and''; and

[(2) in paragraph (4), by striking ''5 percentage points'' and all that follows and inserting ''such number of percentage points as the Secretary shall prescribe for purposes of this section.''.

[(c) NO EFFECT ON GUARANTEE OF LOANS UNDER HYBRID ADJUSTABLE RATE MORTGAGE GUARANTEE DEMONSTRATION PROJECT.—The amendments made by this section shall not be construed to affect the force or validity of

any guarantee of a loan made by the Secretary of Veterans Affairs under the demonstration project for the guarantee of hybrid adjustable rate mortgages under section 3707A of title 38, United States Code, as in effect on the day before the date of the enactment of this Act.

[SEC. 204. TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS.

[Section 3729(c) is amended—

[(1) by inserting ''(1)'' before ''A fee''; and

[(2) by adding at the end the following new paragraph:

[''(2) A veteran who is rated eligible to receive compensation as a result of a pre-discharge disability examination and rating shall be treated as receiving compensation for purposes of this subsection as of the date on which the veteran is rated eligible to receive compensation as a result of the pre-discharge disability examination and rating without regard to whether an effective date of the award of compensation is established as of that date.''.

[TITLE III—OTHER BENEFITS AND BENEFITS MATTERS

[Subtitle A—Employment Benefits

[SEC. 301. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REDRESS FOR CERTAIN VETERANS DENIED OPPORTUNITY TO COMPETE FOR FEDERAL EMPLOYMENT.

[(a) ADMINISTRATIVE REDRESS.—Section 3330a(a)(1) of title 5, United States Code, is amended—

[(1) by inserting ''(A)'' after ''(1)''; and

[(2) by adding at the end the following new subparagraph:

[''(B) A veteran described in section 3304(f)(1) who alleges that an agency has violated such section with respect to such veteran may file a complaint with the Secretary of Labor.''.

[(b) JUDICIAL REDRESS.—Section 3330b(a)(1) of such title is amended by inserting '', or a veteran described by section 3330a(a)(1)(B) with respect to a violation described by such section,'' after ''a preference eligible''.

[Subtitle B—Medical Benefits

[SEC. 311. PROHIBITION ON COLLECTION OF CO-PAYMENTS FOR HOSPICE CARE.

[Section 1710B(c)(2) is amended—

[(1) in subparagraph (A), by striking ''or'' at the end;

[(2) by redesignating subparagraph (B) as subparagraph (C); and

[(3) by inserting after subparagraph (A) the following new subparagraph (B):

[''(B) to a veteran being furnished hospice care under this section; or''.

[Subtitle C—Extension of Benefits and Related Authorities

[SEC. 321. EXTENSION OF VARIOUS AUTHORITIES RELATING TO BENEFITS FOR VETERANS.

[(a) SIX-YEAR EXTENSION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by striking ''2003'' and inserting ''2009''.

[(b) PERMANENT AUTHORITY FOR COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.—Section 1720D(a) is amended—

[(1) in paragraph (1), by striking ''During the period through December 31, 2004, the Secretary'' and inserting ''The Secretary''; and

[(2) in paragraph (2), by striking '', during the period through December 31, 2004,''.

[(c) FIVE-YEAR EXTENSION OF REPORTS BY SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2009''.

[Subtitle D—Other Matters

[SEC. 331. MODIFICATION OF DEFINITION OF MINORITY GROUP MEMBER FOR PURPOSES OF ADVISORY COMMITTEE ON MINORITY VETERANS.

[Subsection (d) of section 544 is amended to read as follows:

[''(d) In this section, the term 'minority group member' means an individual who is—

[''(1) American Indian or Alaska Native;

[''(2) Asian;

[''(3) Black or African American;

[''(4) Native Hawaiian or other Pacific Islander; or

[''(5) of Hispanic, Latino, or Spanish origin.''.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 2004''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—HOUSING MATTERS

Sec. 101. Increase in maximum amount of home loan guaranty for construction and purchase of homes and annual indexing of amount.
Sec. 102. Extension of authority for guarantee of adjustable rate mortgages.
Sec. 103. Extension and improvement of authority for guarantee of hybrid adjustable rate mortgages.
Sec. 104. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

TITLE II—EDUCATION MATTERS

Sec. 201. Collection of contributions for educational assistance under Montgomery GI Bill from members of the Selected Reserve called to active duty.
Sec. 202. Educational assistance under Montgomery GI Bill for members of the Selected Reserve who aggregate 2 or more years of active duty service during any 5-year period.
Sec. 203. Ten-year extension of delimiting period for survivors' and dependents' educational assistance for spouses of members who die on active duty.
Sec. 204. Availability of education benefits for payment for national admissions exams and national exams for credit at institutions of higher education.

TITLE III—OTHER MATTERS

Sec. 301. Availability of administrative and judicial redress for certain veterans denied opportunity to compete for Federal employment.
Sec. 302. Extension of biennial report of Advisory Committee on Former Prisoners of War.
Sec. 303. Modification of definition of minority group member for purposes of Advisory Committee on Minority Veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HOUSING MATTERS

SEC. 101. INCREASE IN MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) is amended by striking ''$60,000'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''the maximum guaranty amount (as defined in subparagraph (C))''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

''(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.''.

SEC. 102. EXTENSION OF AUTHORITY FOR GUARANTEE OF ADJUSTABLE RATE MORTGAGES.

Section 3707(a) is amended by striking ''during fiscal years 1993, 1994, and 1995'' and inserting ''during fiscal years 1993 through 2011''.

SEC. 103. EXTENSION AND IMPROVEMENT OF AUTHORITY FOR GUARANTEE OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 3707A is amended by striking ''during fiscal years 2004 and 2005'' and inserting ''during fiscal years 2004 through 2011''.

(b) MODIFICATION OF INTEREST RATE ADJUSTMENT REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) in the case of the initial interest rate adjustment—

''(A) if the initial interest rate remained fixed for less than 5 years, be limited to a maximum increase or decrease of 1 percentage point; or

''(B) if the initial interest rate remained fixed for 5 years or more, be limited to a maximum increase or decrease of such percentage point or points as the Secretary may prescribe;

''(4) in the case of any single annual interest rate adjustment after the initial interest rate adjustment, be limited to a maximum increase or decrease of 1 percentage point; and''; and

(3) in paragraph (5), as so redesignated, by striking ''5 percentage points'' and all that follows and inserting ''such number of percentage points as the Secretary shall prescribe for purposes of this section.''.

(c) NO EFFECT ON GUARANTEE OF LOANS UNDER HYBRID ADJUSTABLE RATE MORTGAGE GUARANTEE DEMONSTRATION PROJECT.—The amendments made by this section shall not be construed to affect the force or validity of any guarantee of a loan made by the Secretary of Veterans Affairs under the demonstration project for the guarantee of hybrid adjustable rate mortgages under section 3707A of title 38, United States Code, as in effect on the day before the date of the enactment of this Act.

SEC. 104. TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS.

Section 3729(c) is amended—

(1) by inserting ''(1)'' before ''A fee''; and

(2) by adding at the end the following new paragraph:

''(2) A veteran who is rated eligible to receive compensation as a result of a pre-discharge disability examination and rating shall be treated as receiving compensation for purposes of this subsection as of the date on which the veteran is rated eligible to receive compensation as a result of the pre-discharge disability examination and rating without regard to whether an effective date of the award of compensation is established as of that date.''.

TITLE II—EDUCATION MATTERS

SEC. 201. COLLECTION OF CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FROM MEMBERS OF THE SELECTED RESERVE CALLED TO ACTIVE DUTY.

(a) ACTIVE DUTY PROGRAM.—Section 3011(b) is amended—

(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary of Defense shall collect from the individual an amount equal to $1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary of Defense may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.''.

(b) SELECTED RESERVE PROGRAM.—Section 3012(c) is amended—

(1) by striking ''The basic pay'' and inserting ''(1) Except as provided in paragraph (2), the basic pay'';

(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking ''this chapter'' and inserting ''this subsection''; and

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary of Defense shall collect from the individual an amount equal to $1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary of Defense may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.''.

SEC. 202. EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR MEMBERS OF THE SELECTED RESERVE WHO AGGREGATE 2 OR MORE YEARS OF ACTIVE DUTY SERVICE DURING ANY 5-YEAR PERIOD.

(a) ENTITLEMENT.—Section 3012(a)(1) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by adding ''or'' at the end; and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) during any five-year period beginning on or after September 11, 2001, and ending on or before June 30, 2008, while in the Selected Reserve, serves on active duty in the Armed Forces for one or more periods (whether continuous or otherwise) aggregating not less than two years of service on active duty during such period;''.

(b) COLLECTION OF CONTRIBUTIONS.—Section 3012(c), as amended by section 201(b) of this Act, is further amended by adding at the end the following new paragraph:

''(4)(A) In the case of an individual who becomes entitled to basic educational assistance under this chapter by reason of subsection (a)(1)(D), the Secretary of Defense shall collect from the individual an amount equal to $1,200 not later than one year after the completion by the individual of the two years of service on active duty providing the basis for such entitlement.

''(B) An individual described in subparagraph (A) shall not be entitled to basic educational assistance as described in that subparagraph unless an amount equal to $1,200 is first collected from the individual as required under that subparagraph.

''(C) The Secretary of Defense may collect amounts under subparagraph (A) through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.''.

(c) DURATION OF ASSISTANCE.—Section 3013(b) is amended by striking ''is entitled to'' and all that follows and inserting the following: ''is entitled to—

''(1) one month of educational assistance benefits under this chapter—

''(A) in the case of an individual described in section 3012(a)(1)(A) of this title, for each month of continuous active duty served by such individual after June 30, 1985, as part of the obligated period of active duty on which such entitlement is based;

''(B) in the case of an individual described in section 3012(a)(1)(B) of this title, for each month of continuous active duty served by such individual after June 30, 1985; or

''(C) in the case of an individual described in section 3012(a)(1)(D) of this title, for each month of active duty served by such individual after September 11, 2001, and before July 1, 2008, as part of the aggregate period of active duty on which such entitlement is based; and

''(2) one month of educational assistance benefits under this chapter for each four months served by such individual in the Selected Reserve after the applicable date specified in paragraph (1) of this subsection (other than any month in which the individual served on active duty).''.

(d) AMOUNT OF ASSISTANCE.—Section 3015 is amended—

(1) in subsections (a)(1)(D) and (b)(1)(D), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

''(h) In the case of an individual entitled to an educational assistance allowance under section 3012(a)(1)(D) of this title, the amount of the basic educational assistance allowance payable under this chapter is the amount determined under subsection (b) of this section.''.

(e) OUTREACH.—(1) The Secretary concerned shall take actions to inform members of the Selected Reserve who are or may become entitled to basic educational assistance benefits under chapter 30 of title 38, United States Code, as a result of section 3012(a)(1)(D) of such title (as amended by subsection (a) of this section) of the minimum service requirements for entitlement to such benefits under that chapter and of the scope and nature of such benefits.

(2) In this subsection:

(A) The term ''Secretary concerned'' has the meaning given such term in section 101(25) of title 38, United States Code.

(B) The term ''Selected Reserve'' has the meaning given such term in section 3002(4) of title 38, United States Code.

SEC. 203. TEN-YEAR EXTENSION OF DELIMITING PERIOD FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE FOR SPOUSES OF MEMBERS WHO DIE ON ACTIVE DUTY.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''in subparagraph (B)'' and inserting ''in subparagraph (B) or (C)''; and

(2) by adding at the end the following new subparagraph:

''(C) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(B) of this title by reason of the death of a person on active duty may be afforded educational assistance under this chapter during the 20-year period beginning on the date (as determined by the Secretary) such person becomes an eligible person within the meaning of such section.''.

SEC. 204. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR NATIONAL ADMISSIONS EXAMS AND NATIONAL EXAMS FOR CREDIT AT INSTITUTIONS OF HIGHER EDUCATION.

(a) COVERED EXAMS.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: ''Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the SAT, LSAT, GRE, and GMAT exams) and national tests providing an opportunity for course credit at institutions of higher learning (such as the AP exam).''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

''(i)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of

the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

TITLE III—OTHER MATTERS

SEC. 301. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REDRESS FOR CERTAIN VETERANS DENIED OPPORTUNITY TO COMPETE FOR FEDERAL EMPLOYMENT.

(a) ADMINISTRATIVE REDRESS.—Section 3330a(a)(1) of title 5, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) A veteran described in section 3304(f)(1) who alleges that an agency has violated such section with respect to such veteran may file a complaint with the Secretary of Labor.''.

(b) JUDICIAL REDRESS.—Section 3330b(a) of such title is amended by inserting '', or a veteran described by section 3330a(a)(1)(B) with respect to a violation described by such section,'' after ''a preference eligible''.

SEC. 302. EXTENSION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.

Section 541(c)(1) is amended by striking ''2003'' and inserting ''2009''.

SEC. 303. MODIFICATION OF DEFINITION OF MINORITY GROUP MEMBER FOR PURPOSES OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Subsection (d) of section 544 is amended to read as follows:

''(d) In this section, the term 'minority group member' means an individual who is—

''(1) American Indian or Alaska Native;

''(2) Asian;

''(3) Black or African American;

''(4) Native Hawaiian or other Pacific Islander; or

''(5) of Hispanic, Latino, or Spanish origin.''.

Mr. SPECTER. Mr. President, I have sought recognition to comment on a substitute amendment I propose to make to S. 2486, the Veterans' Benefits Improvements Act of 2004, as part of my request that the bill, as so amended, be approved by the Senate. The underlying bill, S. 2486, was reported by the Senate Committee on Veterans Affairs on July 20, 2004, and is explained in detail in Senate Report 108–352. My comments at this time are limited to explaining how the proposed substitute amendment, which reflects a bipartisan agreement between Senate and House Veterans' Affairs Committees on issues related to veterans' non-medical benefits and services, differ from the provisions of S. 2486, as reported.

Almost all of the provisions set forth in S. 2486, as reported, are included in the substitute agreement that I present to the Senate today. Changes made, for the most part, simply reflect provisions that the House has approved which are acceptable to the Senate. There is, however, one notable excision of material from the Committee-reported bill: a provision crafted by Committee Member ZELL MILLER that would have increased educational assistance benefits for Reserves who are activated for extended periods. That provision is not included in the substitute amendment. Similar legislation, however, is in the offing via another legislative vehicle.

After S. 2486 was reported by the Veterans' Committee, the President requested that the Armed Services Committees, in the course of their conferencing on the Fiscal Year 2005 Defense Authorization bill, approve enhancements to educational assistance benefits that are substantially the same as those which are included in S. 2486, as reported. I have been given every indication that the President's proposal will be included in the conference agreement on the Defense Authorization bill. Expecting this to be the case, Senator MILLER's provision—a provision that was a centerpiece of the Committee-reported bill—has been laid aside. In its place, the substitute amendment includes a provision that would increase benefits to the neediest survivors of service members who are killed in combat or who subsequently die from service-related injuries or illnesses.

Under current law, the surviving spouse of a service member who is killed in service is eligible for dependency and indemnity compensation (DIC) benefits. The new provision, which is drawn from a provision contained in a bill, S. 1132, that I introduced last year, would provide, for a two-year period, an additional $250 per month of DIC to a surviving spouse who has dependent children. VA estimates that approximately 27 percent of service members killed in Iraq and Afghanistan are survived by spouses who have at least one dependent child. These survivors need an additional measure of help; the substitute amendment would provide it.

The substitute amendment also makes substantial improvements, authored by the House, to VA educational assistance benefits provided to service members and veterans who pursue apprenticeship and on-the-job training programs. VA programs for supporting those who pursue such opportunities have not been updated for over 50 years. These amendments are overdue. I applaud Chairman CHRIS SMITH, the author of these provisions, for his efforts to expand employment and training opportunities afforded to veterans.

There are many other fine additions to the reported bill contained in the substitute amendment. They include provisions to strengthen the oversight of VA fiduciaries, to enhance the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act, and to improve on a myriad of other veterans' benefits and services. I encourage my colleagues to read the accompanying Explanatory Statement, which I ask be printed in the RECORD, for a better accounting of these worthy items.

This legislation will affect positively the lives of many deserving service members, veterans, and survivors. It merits the support of my colleagues. I request that support.

I yield the floor and I request the unanimous consent of the Senate that the ''Explanatory Statement'' that accompanies this statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON SENATE AMENDMENT TO SENATE BILL S. 2486, AS AMENDED

S. 2486, as amended, the ''Veterans Benefits Improvement Act of 2004,'' reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 108th Congress: S. 2485, as amended; S. 2486, as amended; and S. 1132, as introduced (Senate Bills); H.R. 1716, as amended; H.R. 3936; H.R. 4175, as amended; H.R. 4345; and H.R. 4658, as amended (House Bills).

The Senate and House Committees on Veterans' Affairs have prepared the following explanation of S. 2486, as further amended (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of S. 2485, as amended; S. 2486, as amended; S. 1132, as introduced; H.R. 1716, as amended; H.R. 3936; H.R. 4175, as amended; H.R. 4345; and H.R. 4658, as amended; are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—VETERANS EARN AND LEARN ACT

MODIFICATION OF BENEFIT ENTITLEMENT CHARGES FOR CERTAIN ON-JOB TRAINING PROGRAMS

Current Law

Section 3687 of title 38, United States Code, charges the Montgomery GI Bill-Active Duty and Selected Reserve programs' entitlement usage based on the actual ''dollars used'' of monthly VA payment amounts. The entitlement charge under the Vietnam-era and survivors' and dependents' educational assistance programs is based on the time spent in certain training programs.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 1716, as amended, would modify the manner in which VA on-job training and apprenticeship benefit entitlement is charged under the MGIB, Vietnam-era and survivors' and dependents' programs. The modification would charge entitlement usage for all programs based on ''dollars used'' rather than time spent in training. This provision would take effect one year after date of enactment.

Compromise Agreement

Section 102 of the Compromise Agreement follows the House language with an effective

date of months beginning after September 30, 2005.

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING

Current Law

Sections 3032 and 3233 of title 38, United States Code, and Section 16131 of title 10, United States Code, state that beneficiaries pursuing full-time apprenticeship or on-job training programs will receive 75 percent of the monthly educational assistance benefit for the first six months of training, 55 percent for the second six months of training and 35 percent for the subsequent months.

Section 3687 of title 38, United States Code, states that beneficiaries receiving full-time VA monthly Survivors' and Dependents' Educational Assistance allowances payable to individuals pursuing full-time apprenticeship or on-job training programs will receive, as of October 1, 2004, $585 for the first six months of training, $438 for the second six months of training, $291 for the third six months, and $147 for the remainder of the program.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 104 of H.R. 1716, as amended, would increase by 10 percent the full-time VA monthly educational assistance allowance payable to individuals pursuing a full-time apprenticeship or on-job training program. For the first six months of training, the percentage of the monthly benefit would increase to 85 percent; for the second six months of training, to 65 percent; and for subsequent months to 45 percent. These percentage increases would apply to the Montgomery Gl Bill Active Duty and Selected Reserve programs, and the Post-Vietnam Era Veterans' Educational Assistance program. The Survivors' and Dependents' Educational Assistance program would increase to $650 for the first six months of training, $507 for the second six months of training and $366 for the third six months. This provision would be in effect from October 1, 2005 through September 30, 2010.

Compromise Agreement

Section 103 of the Compromise Agreement generally follows the House language, but the 10 percent increase would take effect October 1, 2005 through December 31, 2007.

AUTHORITY FOR COMPETENCY-BASED APPRENTICESHIPS

Current Law

Section 3672 of title 38, United States Code, currently allows payment of VA educational assistance benefits for time-based apprenticeships.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 105 of H.R. 1716, as amended, would authorize VA to pay educational assistance benefits to veterans participating in approved programs of competency-based apprenticeships; this new authority is in addition to time-based apprenticeships. In the case of a competency-based apprenticeship registered with the Secretary of Labor, this provision requires VA to consider Department of Labor standards in determining the appropriate length and structure of the competency-based apprenticeship. This section would also direct the Secretary of Veterans Affairs to use up to $3 million to develop the computer systems and procedures needed to carry out section 105(a), 102, 103, and 104 of the bill.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House language. The Committees note that this provision acknowledges competency-based apprenticeships but does not require employers to use them in lieu of time-based apprenticeships. In today's workplace, apprenticeship programs are time-based or competency-based, or a combination of the two. Lastly, the Committees note that apprenticeships offered in industries that elect not to register them with the Department of Labor, but are approved by a State approving agency or VA, would continue to serve as legitimate training opportunities for veterans.

TEN-YEAR EXTENSION OF DELIMITING PERIOD FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE FOR SPOUSES OF MEMBERS WHO DIES ON ACTIVE DUTY

Current Law

Chapter 35 of title 38, United States Code, entitles the surviving spouse of a servicemember or veteran who died of a service-connected injury, or the spouse of a veteran who is rated by VA as totally and permanently disabled as the result of a service connected disability, to educational assistance provided by the Secretary. An eligible spouse is entitled to use such educational assistance during a ten-year period beginning on either: (1) the date the person became eligible by reason of the servicemember's or veteran's service-connected death, or (2) the date on which the veteran was rated by VA as totally and permanently disabled as the result of a service-connected injury. A spouse may be eligible for two ten-year eligibility periods as the result of two distinct qualifying events. A spouse who is entitled to two eligibility periods will not have a subsequent period of eligibility reduced by any earlier period.

Senate Bill

Section 203 of S. 2486, as amended, would extend chapter 35 educational assistance eligibility from 10 to 20 years for a surviving spouse of any person who died on active duty.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 105 of the Compromise Agreement follows the Senate language.

AVAILABILITY OF EDUCATIONAL BENEFITS FOR PAYMENT FOR NATIONAL ADMISSIONS EXAMS AND NATIONAL EXAMS FOR CREDIT AT INSTITUTIONS OF HIGHER EDUCATION

Current Law

Sections 3452(b) and 3501(a)(5) of title 38, United States Code, define the term ''program of education'' to generally include a required course, or combination of courses, that lead to an identified educational, professional, or vocational objective. A ''program of education'' also includes licensing or certification tests that are generally required to enter into, maintain, or advance in a vocation or profession. Section 3002(3) of title 38, United States Code, expands the definition of ''program of education'' provided in 3452(b) to include preparatory courses for a test required or used for admission to an institution of higher education or graduate school.

Senate Bill

Section 204 of S. 2486, as amended, would authorize VA to provide educational assistance benefits to reimburse eligible beneficiaries for the cost of certain national tests required for admission to institutions of higher learning or graduate schools and for national tests that can qualify veterans for receipt of college credit.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 106 of the Compromise Agreement follows the Senate language, but adds the College Level Examination Program (CLEP) as an example of a test for which educational assistance benefits may be used.

REQUIREMENT FOR COORDINATION OF DATA AMONG THE DEPARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR WITH RESPECT TO ON-JOB TRAINING

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 107 of H.R. 1716, as amended, would require certain coordination of information among the Departments of Veterans Affairs, Defense, and Labor with respect to on-job training and apprenticeship programs. First, at the time of a servicemember's separation from active duty, the Secretary of Defense would be required to furnish the Secretary of Veterans Affairs with information concerning each registered apprenticeship pursued by the servicemember during his or her active duty service. Second, it would require the Secretary of Veterans Affairs, in coordination with the Secretary of Labor, to encourage and assist States and private organizations to accord credit to servicemembers for skills in any related apprenticeship the servicemember may pursue in civilian life.

Compromise Agreement

Section 107 of the Compromise Agreement follows the House language.

PILOT PROGRAM TO PROVIDE ON-JOB BENEFITS TO TRAIN DEPARTMENT OF VETERANS AFFAIRS CLAIMS ADJUDICATORS

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 106 of H.R. 1716, as amended, would require the Secretary of Veterans Affairs to establish a pilot program to furnish structured on-job training and on-job training benefits to claims adjudicators training in its disability compensation, dependency and indemnity compensation (DIC), and pension programs. The Secretary would be required to submit reports concerning continuation and expansion of the pilot program.

Compromise Agreement

Section 108 of the Compromise Agreement generally follows the House language, but authorizes the Secretary to establish a pilot program to furnish formal, structured on-job training/benefits to claims adjudicators at the Secretary's discretion, and not by statutory mandate. The Committees note that one of VA's four regional offices that adjudicate educational assistance claims already offer such formal, structured on job training.

COLLECTION OF PAYMENT FOR EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FROM MEMBERS OF THE SELECTED RESERVE CALLED TO ACTIVE DUTY

Current Law

Sections 3011(b) and 3012(c) require that for a servicemember to be eligible for Montgomery GI Bill (MGIB) educational assistance benefits, the servicemember's active duty pay must be reduced by $100 for each of the first 12 months that the individual is entitled to such pay. The Secretary of Defense (or, in cases involving the activation of U.S. Coast Guard personnel, the Secretary of Homeland Security) is responsible for the collection of the $1,200 payment.

Senate Bill

Section 201 of S. 2486, as amended, would permit the Secretary of Defense (or, in cases involving the activation of U.S. Coast Guard personnel, the Secretary of Homeland Security) to collect an activated Selected Reserve member's $1,200 payment before the servicemember commences use of MGIB educational assistance benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 109 of the Compromise Agreement follows the Senate language with the requirement that the servicemember furnish a $1,200 payment not later than 1 year after completion of the 2 years of active duty.

TITLE II—EMPLOYMENT MATTERS

Subtitle A—Employment and Reemployment Rights

TWO-YEAR PERIOD OF CONTINUATION OF EMPLOYER-SPONSORED HEALTH CARE COVERAGE

Current Law

Section 4317(a)(1)(A) of title 38, United States Code, allows servicemembers covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to elect to continue employer-provided health coverage for up to 18 months while on active duty, provided the servicemember pays up to 102 percent of the premium.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 4658, as amended, would increase from 18 months to 24 months the maximum period of employer-provided health coverage that an employee covered by USERRA may elect to continue. The coverage would become effective on the first day of the servicemember's absence from employment following the date of enactment of this provision.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House language.

REINSTATEMENT OF REPORTING REQUIREMENTS

Current Law

Section 4332 of title 38, United States Code, formerly required that the Secretary of Labor, in consultation with the Office of Special Counsel and the U.S. Attorney General, provide annual reports to Congress on the disposition of cases filed under USERRA. This requirement expired on February 1, 1996.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 4658, as amended, would reinstate a requirement that the Secretary of Labor, in consultation with the Office of Special Counsel and the U.S. Attorney General, provide annual reports to Congress on the disposition of cases filed under USERRA, effective February 1, 2005.

Compromise Agreement

Section 202 of the Compromise Agreement follows the House language.

REQUIREMENT FOR EMPLOYERS TO PROVIDE NOTICE OF RIGHTS AND DUTIES UNDER USERRA

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 211 of H.R. 4658, as amended, would require employers to provide notice to employees of the rights, benefits and obligations under USERRA. Section 211 would also require the Department of Labor to make available to employers, within 90 days after the date of enactment of this provision, the text of the notice.

Compromise Agreement

Section 203 of the Compromise Agreement follows the House language.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Section 4322 of title 38, United States Code, provides that an individual who believes his or her USERRA rights have been violated by a Federal executive agency may file a complaint with the Secretary of Labor to investigate such complaint. If the Secretary of Labor is unable to resolve the complaint, then in accordance with section 4324 of title 38, United States Code, the individual may request that the Secretary of Labor refer the complaint to the Office of Special Counsel (OSC) for resolution before the Merit Systems Protection Board.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 212 of H.R. 4658, as amended, would require the Secretary of Labor and the Office of Special Counsel (OSC) to carry out a three-year demonstration project on enforcement of USERRA rights for Federal executive branch employees. The demonstration project would allow certain individuals who allege a Federal executive agency has violated their USERRA rights to file a complaint with OSC. For the OSC demonstration project, USERRA cases involving Federal agencies would be selected by the terminal digit of the claimant's social security number or, if there is no social security number, the claimant's case number. Cases with odd terminal digits would be sent directly to OSC. The Comptroller General of the United States would be required to conduct periodic evaluations of the demonstration project and submit to Congress a final report.

Compromise Agreement

Section 204 of the Compromise Agreement follows the House language. While this demonstration project would be limited to USERRA cases involving Federal executive agency employees, the Committees intend to examine further USERRA education and enforcement activities by the Departments of Labor, Justice and Defense to determine whether all claimants are being effectively and efficiently served under the current system.

Subtitle B—Other Matters

REPORT OF EMPLOYMENT PLACEMENT, RETENTION, AND ADVANCEMENT OF RECENTLY SEPARATED SERVICEMEMBERS

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 206 of H.R. 1716, as amended, would direct the Secretary of Veterans Affairs to contract for a report within 180 days of enactment on employment placement, retention, and advancement of recently-separated veterans.

Compromise Agreement

Section 211 of the Compromise Agreement follows the House language. The requirement that the contract be entered into within 180 days of enactment was deleted. Nonetheless, the Committees expect the Secretary of Veterans Affairs to enter into such a contract promptly.

TITLE III—BENEFITS MATTERS

ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN

Current Law

Section 1311(a) of title 38, United States Code, prescribes the payment of dependency and indemnity compensation (DIC) to the surviving spouse of a veteran or servicemember who dies as a result of a service-connected disability. Section 1311(b) provides for an additional amount of DIC to be paid for each of the surviving spouse's children who are under the age of 18.

Senate Bill

Section 4 of S. 1132, as introduced, would provide for a $250 monthly increase in DIC payments for a surviving spouse with children below the age of 18. Such payments would be authorized during the 5-year period following the service-connected death of the servicemember or veteran. Such payments would cease when all children of a surviving spouse reach age 18.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 301 of the Compromise Agreement follows the Senate language, except that the $250 monthly increase in DIC would only be authorized during the 2-year period following the application for such benefit. The Committees intend that when the Secretary notifies a DIC recipient of the additional benefit provided by this section, such notice shall clearly indicate that this is a transitional benefit which is limited to two years.

OFFSET OF VETERANS' DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION FROM AWARDS UNDER RADIATION EXPOSURE COMPENSATION PROGRAM

Current Law

Under current law, a veteran who first applies for and receives an award under the compensation program administered by the Department of Justice pursuant to the Radiation Exposure Compensation Act (RECA), Public Law 101–426, is prohibited from receiving benefits from the Department of Veterans Affairs. However, a veteran who applies for VA benefits first may then apply for the RECA award, subject to an offset by the Department of Justice of the amounts received from VA.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 1716, as amended, would repeal the bar that prevents a veteran or survivor from applying for VA benefits if the individual had previously received compensation from the Department of Justice's RECA program. The bill would allow individuals to receive VA compensation or dependency and indemnity compensation (DIC) benefits to which they are entitled. However, VA would be required to withhold compensation or DIC payments until the amount of the RECA award has been deducted. This provision is effective for compensation or DIC benefits paid after March 26, 2002. This is the date regulations providing for a presumption of service-connection for certain radiation-related disabilities were established.

Compromise Agreement

Section 302 of the Compromise Agreement follows the House language.

EXCLUSION OF LIFE INSURANCE PROCEEDS FROM CONSIDERATION AS INCOME FOR VETERANS' PENSION PURPOSES

Current Law

Section 1503(a) of title 38, United States Code, requires VA in determining eligibility for death pension benefits to consider annual income, including all payments of any kind or from any source.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 1716, as amended, would exclude life insurance proceeds from consideration of income for death pension benefits.

Compromise Agreement

Section 303 of the Compromise Agreement follows the House language.

CERTAIN SERVICE-CONNECTED DISABILITY BENEFITS AUTHORIZED FOR PERSONS DISABLED BY TREATMENT OR VOCATIONAL REHABILITATION PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 1151(a) of title 38, United States Code, authorizes disability compensation or dependency and indemnity compensation for veterans and their dependents who are injured or die as a result of negligent VA medical treatment, or in VA-sponsored rehabilitation or training. Under the decision of the United States Court of Appeals for the Federal Circuit in *Kilpatrick* v. *Secretary of Veterans Affairs*, 327 F.3d 1375 (Fed. Cir. 2003), veterans disabled under section 1151 are eligible for specially adapted housing allowances under chapter 21 of title 3 8, United States Code. Section 1151 (b) prohibits the receipt of VA compensation benefits or DIC (for amounts attributable to loss of consortium or society) where an individual, on or after December 1, 1962, receives a judgment against, or settlement or compromise payment from, the United States, until an amount equal to any judgment against, or settlement or compromise payment from the United States is recouped.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 205(a) of H.R. 1716, as amended, would allow veterans and dependents who are injured as a result of negligent VA medical treatment or rehabilitation or training to qualify for vocational rehabilitation benefits, in addition to specially adapted automobile and adaptive equipment grants. Section 205(b) would provide that where a judgment, settlement or compromise of a claim is offset against benefits provided by the Secretary, such offset would be applied only to the comparable benefit.

Compromise Agreement

Section 304 of the Compromise Agreement generally follows the House language, but omits eligibility for vocational rehabilitation benefits. Section 205(c) is amended to provide that in the event that a judgment, settlement or compromise specifically designates a portion of such award for housing or automobile benefits such as those provided under Chapters 21 or 39, and the beneficiary later applies for benefits under Chapter 21 or 39, benefits under those chapters would be reduced by the amount of benefits specifically designated in the judgment, settlement or compromise. Any amounts in excess of those permitted under Chapter 21 or 39 would be offset against benefits paid under Chapter 11.

EFFECTIVE DATE OF DEATH PENSION

Current Law

Section 5110(d) of title 38, United States Code, provides that an award based on a death pension claim received more than 45 days after the veteran's death can be effective no earlier than the date of the claim. If the application is received within 45 days of the veteran's death, then the effective date of the death pension award is the first day of the month in which the death occurred.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 204 of H.R. 1716, as amended, would repeal the 45-day rule for the effective date of death pension. Therefore, a claim for death pension received within one year from the date of the veteran's death would be effective the first day of the month in which the death occurred.

Compromise Agreement

Section 305 of the Compromise Agreement follows the House language.

CODIFICATION OF ADMINISTRATIVE ACTIONS RELATING TO PRESUMPTIONS OF SERVICE CONNECTION FOR VETERANS EXPOSED TO IONIZING RADIATION

Current Law

Section 1112(c)(2) of title 38, United States Code, lists 16 diseases that VA presumes are related to exposure to ionizing radiation. In addition to the 16 listed in statute, VA regulations list an additional five diseases: bone cancer, brain cancer, colon cancer, lung cancer, and ovarian cancer. Servicemembers who participated in certain radiation-risk activities, as defined in section 1112(c)(3)(B), benefit from the presumption of service-connection to ionizing radiation.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 1716, as amended, would add bone cancer, brain cancer, colon cancer, lung cancer, and ovarian cancer to the statutory list of those diseases presumed to be related to ionizing radiation exposure during participation in certain radiation-risk activities. Section 201 would also codify additional locations where radiation-risk activities occurred for purposes of determining which veterans qualify for the presumption of service-connection of certain diseases related to ionizing radiation exposure.

Compromise Agreement

Section 306 of the Compromise Agreement follows the House language.

TITLE IV—HOUSING MATTERS

AUTHORITY TO PROVIDE SPECIALLY ADAPTED HOUSING TO CERTAIN DISABLED VETERANS

Current Law

Chapter 21 of title 38, United States Code, authorizes the Secretary to provide grants to adapt or acquire suitable housing for certain severely disabled veterans.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 302 of H.R. 1716, as amended, would extend eligibility for specially adapted housing grants to veterans with permanent and total service-connected disabilities due to the loss, or loss of use, of both arms at or above both elbows.

Compromise Agreement

Section 401 of the Compromise Agreement follows the House language.

TRANSITIONAL HOUSING AMENDMENTS

Current Law

Section 2051 of title 38, United States Code, establishes the general authority governing loan guarantees for multifamily transitional housing. Section 2052 establishes eligibility and other requirements for such loans.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 1716, as amended, would provide that a multifamily transitional housing project that is funded by a VA-guaranteed loan may accept uncompensated voluntary services as defined in section 2011(d) of title 38, United States Code, in connection with the construction, alteration, or repair of such project. This section would also add commercial activities, other than neighborhood retail services or job training programs, to the purposes for which multifamily transitional housing space may be used.

Compromise Agreement

Section 402 of the Compromise Agreement follows the House language. The Committees intend that veterans be hired at these new centers of commercial activity where practicable.

INCREASE IN, AND ANNUAL INDEXING OF, MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES

Current Law

Section 3703 of title 38, United States Code, establishes that a loan of more than $144,000 made to an eligible veteran under section 3710 for purchase or construction of a home is automatically guaranteed by the United States in an amount not to exceed the lesser of $60,000 or 25 percent of the loan.

Senate Bill

Section 101 of S. 2486, as amended, would increase the maximum VA home loan guaranty to 25 percent of the Freddie Mac conforming loan amount for a single-family residence and annually index the maximum amount of VA's home loan guaranty for construction or purchase of a home to the Freddie Mac limit.

House Bill

Section 301 of H.R. 1716, as amended, and H.R. 4345 contain a similar provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR GUARANTEE OF ADJUSTABLE RATE MORTGAGES

Current Law

Section 3707 of title 38, United States Code, formerly authorized a three-year test of a VA-guaranteed adjustable rate mortgage program (ARM). The VA ARM program was in force from fiscal year 1993 through fiscal year 1995.

Senate Bill

Section 102 of S. 2486, as amended, would reinstate the VA ARM program and extend its authorization through fiscal year 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 404 of the Compromise Agreement follows the Senate language but would extend the VA ARM program authorization through fiscal year 2008.

EXTENSION AND IMPROVEMENT OF AUTHORITY FOR GUARANTEE OF HYBRID ADJUSTABLE RATE MORTGAGES

Current Law

Section 3707A of title 38, United States Code, authorizes VA, during fiscal years 2004

and 2005, to guarantee hybrid adjustable rate mortgage (hybrid ARM) loans. Annual interest rate adjustments on VA-guaranteed hybrid ARM loans are subject to a maximum increase or decrease of one percentage point and are limited over the term of the mortgage to a maximum increase of five percentage points above the initial fixed rate of interest.

Senate Bill

Section 103 of S. 2486, as amended, would extend the authority of VA to guarantee hybrid ARM loans through fiscal year 2011. For hybrid ARM loans with fixed periods of interest of less than 5 years, the initial and subsequent annual interest rate adjustments would be limited to one percentage point. For hybrid ARM loans with an initial rate of interest fixed for 5 years or more, section 103 would give VA the authority to set an appropriate interest rate cap for the initial interest rate adjustment. Annual adjustments thereafter would be subject to a one percentage point cap. Finally, section 103 would require VA to prescribe the maximum number of percentage points above the initial fixed rate of interest that would limit, over the term of a hybrid ARM mortgage, interest rate adjustments.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 405 of the Compromise Agreement follows the Senate language but would extend the VA hybrid ARM program through fiscal year 2008.

TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS

Current Law

Section 3729(a) of title 38, United States Code, requires VA to collect a fee from each person obtaining a housing loan guaranteed by VA. Section 3729(c) prohibits the collection of loan fees from veterans who are receiving VA disability compensation. Disability compensation may only be paid upon an active duty servicemember's discharge from service.

Senate Bill

Section 104 of S. 2486, as amended, would allow a servicemember who is rated eligible to receive disability compensation as a result of a pre-discharge medical examination to qualify for a waiver of the VA home loan funding fee.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 406 of the Compromise Agreement follows the Senate language.

THREE-YEAR EXTENSION OF NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

Current Law

Section 3761 of title 38, United States Code, establishes the general authority governing a pilot program for housing loans to Native Americans residing on tribal lands. The pilot program is authorized through December 31, 2005.

House Bill

H.R. 5153 WOULD EXTEND THE NATIVE AMERICAN HOME LOAN PROGRAM THROUGH DECEMBER 31, 2010.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 407 of the Compromise Agreement extends the pilot program until December 31, 2008.

TITLE V—MATTERS RELATING TO FIDUCIARIES

DEFINITION OF FIDUCIARY

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 301 of H.R. 4658, as amended, would define a fiduciary for the purposes of chapters 55 and 61 of title 38, United States Code, as (1) the guardian, curator, conservator, committee or person legally vested with the responsibility or care of a claimant (or the estate) or of a beneficiary (or beneficiary's estate); or (2) any other person appointed in a representative capacity to receive money paid from VA.

Compromise Agreement

Section 501 of the Compromise Agreement follows the House language.

INQUIRY, INVESTIGATIONS, AND QUALIFICATION OF FIDUCIARIES

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 302 of H.R. 4658, as amended, would require VA to certify, following an inquiry or investigation, the fitness of a fiduciary. Such inquiry or investigation would be conducted through, to the extent practicable, a face-to-face interview, review of a credit report issued within one year of the fiduciary's proposed appointment, and the furnishing of any bond that may be required by the Secretary. Additionally, the Secretary would be required to request information on whether that person has been convicted of any offense under Federal or State law resulting in imprisonment for more than one year. If the proposed fiduciary has been convicted of such an offense, the Secretary may certify the person as a fiduciary only if the Secretary makes a specific finding of rehabilitation and finds that the proposed fiduciary is an appropriate one to act as the fiduciary for the beneficiary.

In cases of a parent or step-parent of a minor beneficiary (natural or adopted), spouse or parent of an incompetent beneficiary, a person who has been appointed by a court of competent jurisdiction, or a person appointed to manage an estate where the annual amount of veterans benefits to be managed does not exceed $3,600 (adjusted for annual cost-of-living increases), the Secretary may certify the potential fiduciary on an expedited basis.

If needed to protect the assets of the beneficiary when a determination of incompetence is being made or appealed, or a fiduciary is appealing a determination of misuse of veteran's benefits, the Secretary would have the authority to appoint a temporary fiduciary, for a period not to exceed 120 days. If a final decision has not been made within 120 days of the appointment of the temporary fiduciary, the Secretary would not be able to continue the temporary appointment without a court order for the appointment of a guardian, conservator, or similar legal fiduciary.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House language with modifications. Language requiring a specific finding of rehabilitation before a person with a prior felony conviction may be appointed to serve as a fiduciary is omitted. The Committees intend that the Secretary have discretion in determining when such a person would be an appropriate person to serve as a fiduciary. The Committees expect the Secretary to consider such factors as the length of time since the conviction, the nature of the offense, the relationship of the proposed fiduciary to the beneficiary, and other factors which would demonstrate the appropriateness of the appointment.

MISUSE OF BENEFITS BY FIDUCIARIES

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 4658, as amended, would, if the Secretary or a court of competent jurisdiction determines the fiduciary misused some or all of the veterans' benefits, prohibit a fiduciary from collecting a fee from a beneficiary for any month benefits were misused. Additionally, any fee collected would be considered to be misused.

Any fiduciary, except a Federal, State or local government agency, would be liable for the amount misused, and that amount would be treated as an erroneous payment to the 18 fiduciary for purposes of laws pertaining to the recovery of overpayments. The misappropriated amount would be recovered in the same manner as any other debt due the United States, and the Secretary would repay to the beneficiary or the beneficiary's successor fiduciary, an amount equal to the recovered amount.

In the event the misused benefits are due to the Secretary's negligent failure to investigate or monitor the fiduciary, the Secretary would be liable to reissue all the benefits. Examples of failure to monitor a fiduciary adequately would include the Secretary's failing to review, in a timely manner, a fiduciary's accounting; failing to act in a timely manner when notified of allegations of misuse; and any other case when actual negligence is shown. In any case, a fiduciary who is (1) not an individual (i.e., an agency) or (2) is an individual who, for any month during a period when misuse occurs, serves ten or more individuals who are beneficiaries under title 38, United States Code, the Secretary would also reissue benefits. When the Secretary reissues a benefit payment, the Secretary is directed to make a good-faith effort to recoup the funds from the fiduciary to which the original payment was made.

Compromise Agreement

Section 503 of the Compromise Agreement follows the House language with modifications. The Committees have omitted language authorizing the Secretary to make a finding of misuse and treat the portions of benefits misused as erroneous payments to the fiduciary. Also omitted is language authorizing the Secretary to impose liability upon the fiduciary and recover misused funds in the same manner as any other debt owed to the United States. In addition, the Committees have omitted the provision that would have made a determination by the Secretary that a fiduciary has misused benefits a decision of the Secretary for purposes of section 511(a) of title 38, United States Code. The Committees recognize that it is the duty of the Federal government to recover misused funds and expect that VA and other government agencies will make every effort to recover misused funds. However, at this time, the Committees need to assess further the appropriateness of requiring a fiduciary accused of misuse by the Secretary to appeal such a finding in the appeals venue

established for adjudicating veterans' entitlement claims.

The Committees have also amended the provision requiring the Secretary to reissue benefits when the Secretary has negligently failed to monitor or investigate a fiduciary. In particular, the Committees have specified that a timely review of a scheduled accounting or investigation of misuse is one that occurs within 60 days of the scheduled accounting or notification of alleged misuse.

ADDITIONAL PROTECTIONS FOR BENEFICIARIES WITH FIDUCIARIES

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 304 of H.R. 4658, as amended, would require the Secretary to conduct periodic onsite reviews of any person or agency located in the United States that serves as a fiduciary to more than 20 beneficiaries and who administers a total annual amount of benefits administered of $50,000 or more (to be adjusted annually to reflect cost-of-living adjustments). Additionally, the Secretary would be authorized to require a fiduciary to file a report or accounting of disbursement of benefits in accordance with regulations prescribed by the Secretary. In the event a fiduciary fails to file the requested report, the Secretary would be authorized to require a fiduciary to appear in person at a VA regional office to receive payment.

In the event the Secretary determines a fiduciary converts a payment for some use other than for use on the beneficiary's behalf, the Secretary would be authorized to assess, in addition to any other penalty that may be prescribed by law, a civil monetary penalty of not more than $5,000 per conversion. Such person would also be subject to an assessment by the Secretary of not more than twice the amount of any payments converted.

Additionally, any Federal court, when sentencing a defendant convicted of an offense arising from the misuse of benefits, could have ordered, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Department and the court would have been required to state on the record the reasons for not ordering restitution, or only ordering partial restitution. Any amounts received or recovered would be available to defray the expenses incurred by the VA's Office of Inspector General for the inquiry or investigation of fiduciaries.

Compromise Agreement

Section 504 of the Compromise Agreement follows the House language with modifications. The title of new section 5509, of title 38, United States Code, has been changed to reflect more accurately the requirements of that section. The provision for imposition of civil monetary penalties has been omitted. The Compromise Agreement omits provisions allowing amounts received in excess of benefit restitution to be made available to the Office of the Inspector General.

ANNUAL REPORT

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 305 of H.R. 4658, as amended, would require the Secretary to include in the ''Annual Benefits Report of the Veterans Benefits Administration'' or the ''Secretary's Annual Performance and Accountability Report'' information concerning fiduciaries who have been appointed to receive benefits. The required report would include: (1) the number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child or parent); (2) the types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of title 38, United States Code); (3) the total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit; (4) the number of fiduciaries who are the spouse, parent, step-parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian-in-fact and supervised direct payee; (5) the number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused; (6) how such cases of misuse of benefits were addressed by the Secretary; (7) the final disposition of such cases of misuse of benefits, including the number and dollar amount of any civil or criminal penalties imposed; and (8) such other information as the Secretary considers appropriate.

Compromise Agreement

Section 505 of the Compromise Agreement follows the House language with modifications. Additional reporting requirements concerning cases referred to the Office of the Inspector General and the amounts of money recovered by the government have been added. Language referring to civil or criminal penalties has been omitted.

TITLE VI—MEMORIAL AFFAIRS MATTERS

DESIGNATION OF PRISONER OF WAR MISSING IN ACTION NATIONAL MEMORIAL, RIVERSIDE NATIONAL CEMETERY, RIVERSIDE, CALIFORNIA

Current Law

There is no applicable current law.

Senate Bill

Section 122 of S. 2485 would designate the Prisoner of War/Missing in Action National Memorial at the Riverside National Cemetery in Riverside, California. Federal funds would be permitted, but not required, at the discretion of the Secretary for maintenance of the memorial, should private funding sources prove to be inadequate.

House Bill

Section 402 of H.R. 1716, as amended, contains a similar provision.

Compromise Agreement

Section 601 of the Compromise Agreement generally follows the House language. However, the memorial is designated: ''Prisoner of War/Missing in Action National Memorial.''

LEASE OF CERTAIN NATIONAL CEMETERY ADMINISTRATION PROPERTY

Current Law

There is no applicable provision in current law.

Senate Bill

Section 107 of S. 2485, as amended, would authorize the Secretary to lease any undeveloped land and unused or underutilized buildings belonging to the United States and administered by the National Cemetery Administration (NCA). The term of any such lease would not be permitted to exceed ten years. Proceeds from the lease of land or buildings and proceeds from licenses sold in return for the agricultural use of NCA lands would be deposited in a National Cemetery Administration Facilities Operation Fund along with any appropriation, or other authorized payment, designated for that fund.

Fund proceeds would be available to cover costs incurred by NCA in the operation and maintenance of national cemeteries.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate language.

EXCHANGES OF REAL PROPERTY FOR NATIONAL CEMETERIES

Current Law

Section 2406 of title 38, United States Code, authorizes the Secretary to acquire additional lands for national cemeteries by purchase, gift, condemnation, or transfer from other Federal agencies.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement would authorize the Secretary to acquire additional lands for national cemeteries by exchanging existing national cemetery land.

TITLE VII—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

CLARIFICATION OF MEANING OF ''JUDGMENT'' AS USED IN THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

Current Law

Section 101 of the SCRA provides definitions for purposes of the Act. The section does not define the term ''judgment.''

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 4658, as amended, would clarify that ''[t]he term 'judgment' means any judgment, decree, order, or ruling, final or temporary.''

Compromise Agreement

Section 701 of the Compromise Agreement follows the House language.

REQUIREMENTS RELATING TO WAIVER OF RIGHTS UNDER THE SCRA

Current Law

Section 107 of the SCRA provides that servicemembers may waive any of the rights and protections under the Act if certain requirements are met, including a requirement in section 107(b) that waivers be in writing for specified actions.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 4658, as amended, would provide that those actions requiring waivers in writing pursuant to section 107(b) of the SCRA must also be executed in a separate instrument. Additionally, section 102 would provide a new requirement that any waiver, in writing, of a right or protection under section 107 of the Act that applies to a contract, lease or similar legal instrument must be in at least 12-point type.

Compromise Agreement

Section 702 of the Compromise Agreement follows the House language.

RIGHT OF SERVICEMEMBERS PLAINTIFFS TO REQUEST STAY OF CIVIL PROCEEDINGS

Current Law

Section 202 of the SCRA provides for a stay of any civil action or proceeding when a servicemember who is a defendant has notice of the action or proceeding.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 4658, as amended, would include plaintiffs as well as defendants under section 202 of the SCRA.

Compromise Agreement

Section 703 of the Compromise Agreement follows the House language.

TERMINATION OF LEASES

Current Law

Section 305 of the SCRA provides that servicemembers may, under certain circumstances, terminate residential or motor vehicle leases and specifies the manner of termination.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 104 of H.R. 4658, as amended, would clarify that if, under section 305 of the SCRA the servicemember terminates a lease entered into jointly with a dependent, the obligations of both the servicemember and the dependent are terminated. Section 104 would also modify section 305 of the SCRA to allow motor vehicle lease terminations for any permanent change of station move from a state outside of the continental United States to any other location outside that state, and the term ''continental United States'' would be defined as the ''48 contiguous states and the District of Columbia.'' Further, section 104 would broaden the definition of the term ''military orders'' to mean ''official military orders, or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.'' Finally, section 104 would amend section 305 of the SCRA to include individual as well as unit deployments for a period of not less than 90 days among the circumstances under which a servicemember could terminate a lease.

Compromise Agreement

Section 704 of the Compromise Agreement follows the House language.

TITLE VIII—OTHER MATTERS

PRINCIPAL OFFICE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Section 7255 of title 38, United States Code, requires the principal office of the U.S. Court of Appeals for Veterans Claims be located in the District of Columbia.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 1 of H.R. 3936 would authorize the principal office of the U.S. Court of Appeals for Veterans Claims to be located at any location in the Washington, D.C., metropolitan area. Section 2 would make findings and express the sense of Congress regarding a new veterans' courthouse and justice center.

Compromise Agreement

Section 801 of the Compromise Agreement follows the House language, but omits section 2 of the bill.

EXTENSION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR

Current Law

Section 541 of title 38, United States Code, establishes an Advisory Committee on Former Prisoners of War. The Advisory Committee is required to submit to the Secretary, no later than July 1st of each odd numbered year through 2003, a report on the programs and activities of the Department as they pertain to veterans who are former prisoners of war.

Senate Bill

Section 302 of S. 2486, as amended, would extend the reporting requirement through 2009.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate language.

AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REDRESS FOR CERTAIN VETERANS DENIED OPPORTUNITY TO COMPETE FOR FEDERAL EMPLOYMENT

Current Law

Section 3304(f)(1) of title 5, United States Code, grants ''preference eligible'' veterans (generally, veterans who served during a wartime period; veterans who served during a period for which a campaign badge or expeditionary medal was awarded; or veterans with service-connected disabilities) and veterans who separated from the armed forces under honorable conditions after three years or more of active service the opportunity to compete for vacant positions in the Federal government for which an agency is accepting applications from individuals outside its own workforce under merit promotion procedures.

Section 3330a of title 5, United States Code, allows preference eligible veterans who allege their veterans' preference rights have been violated to seek administrative redress by filing a complaint with the Secretary of Labor. Section 3330b of title 5, United States Code, provides preference eligible veterans with judicial redress for claims arising from allegations of violations of veterans' preference laws.

Senate Bill

Section 204 of S. 2486, as amended, would provide a veteran who has been separated from the armed forces under honorable conditions after three years or more of active service with administrative and judicial redress for alleged violations of his or her rights under section 3304(f)(1) of title 5, United States Code.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement follows the Senate language.

REPORT ON SERVICEMEMBERS'AND VETERANS' AWARENESS OF BENEFITS AVAILABLE UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

Current Law

Section 7722 of title 38, United States Code, requires the Secretary of Veterans Affairs to distribute full information to eligible servicemembers, veterans and dependents regarding all benefits and services to which they may be entitled under laws administered by the Department.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 805 of the Compromise Agreement would direct the Secretary of Veterans Affairs to submit a report to Congress detailing VA's efforts to make veterans and servicemembers aware of VA benefits and services to which they are entitled. The report would include: 1) a description of the outreach activities conducted by VA at each of its three Administrations and by other internal VA entities; 2) the results of a national survey to ascertain servicemembers' and veterans' level of awareness of VA benefits and services; and 3) recommendations the Secretary may have to improve VA's outreach activities. The report would be due 1 year after the enactment of the Compromise Agreement.

LEGISLATIVE PROVISIONS NOT ADOPTED

IMPROVED VETERANS' BENEFITS FOR FORMER PRISONERS OF WAR

Current Law

Section 1112(b) of title 38, United States Code, specifies 16 disabilities that VA presumes are related to the prisoner of war (POW) experience for the purposes of veterans' and survivors' benefits.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 4 of H.R. 4175 would add osteoporosis to the list of diseases presumed to be the result of the POW experience.

FINDINGS RELATED TO ON-JOB TRAINING AND APPRENTICESHIP PROGRAMS

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 1716, as amended, would make Congressional findings with respect to broad purposes for VA's OJT and apprenticeship programs in both the private and public sectors of our economy. These include: helping employers hire and retain skilled workers; establishing a link between the training afforded to servicemembers while serving in the Armed Forces and the training available in civilian settings for purposes of occupational licensing and credentialing; and developing a more highly educated and productive workforce.

INCENTIVE PAYMENT FOR EARLY COMPLETION OF APPRENTICESHIP TRAINING

Current Law

Sections 3032, 3233, and 3687 of title 38, United States Code, and Section 16131 of title 10, United States Code, do not currently contain any incentive to finish on job training or apprenticeships earlier than the established completion date.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 1716, as amended, would establish an incentive payment for program participants who finish their apprenticeship training early. As an incentive for trainees to complete their apprenticeship or attain journeyworker status early, this provision would require VA to pay the trainee a lump-sum amount for the months of VA entitlement remaining that would have been needed to complete the apprenticeship. This provision would be applicable for months beginning on or after October 1, 2005, and ending on October 1, 2010.

ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

Current Law

Eligibility for burial at Arlington National Cemetery is governed by Federal regulations at section 553.15 of title 32, Code of Federal Regulations. The following categories of persons are eligible for in-ground burial: active duty members of the Armed Forces, except those members serving on active duty for

training; retired members of the Armed Forces who have served on active duty, are on a retired list and are entitled to receive retirement pay; former members of the Armed Forces discharged for disability before October 1, 1949, who served on active duty and would have been eligible for retirement under 10 U.S.C. 1202 had the statute been in effect on the date of separation; honorably discharged members of the Armed Forces awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross, Distinguished Service Medal, Silver Star, or Purple Heart; former prisoners of war who served honorably and who died on or after November 30, 1993; provided they were honorably discharged from the Armed Forces, elected Federal officials (the President, Vice President, and Members of Congress), Federal cabinet secretaries and deputies, agency directors and certain other high Federal officials (level I and II executives), Supreme Court Justices, and chiefs of certain diplomatic missions; the spouse, widow or widower, minor child and, at the discretion of the Secretary of the Army, certain unmarried adult children, and certain surviving spouses of persons eligible for in-ground burial.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 401 of H.R. 1716, as amended, would make eligible for in-ground burial at Arlington National Cemetery (1) a member or former member of a reserve component of the Armed Forces who at the time of death was under 60 years of age and who, but for age, would have been eligible for military retired pay under title 10, United States Code; and (2) a member of a reserve component of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training. Eligibility in both instances would also extend to the servicemember's dependents.

TECHNICAL AMENDMENTS TO EDUCATION PROGRAM PROVISIONS

Current Law

Section 3452(e) of title 38, United States Code, as amended by section 301 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2658), authorizes educational assistance benefits for certain self-employment and on-job training programs (franchises) for less than six months under the Montgomery GI Bill (MGIB) when the beneficiary receives a training wage.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 403 of H.R. 4658, as amended, would make a technical correction to waive the training-wage requirement for programs of less than six months beginning October 1, 2005, and ending on September 30, 2010. The Department of Veterans Affairs would be required to review and approve all such programs before any MGIB educational assistance benefits could be dispersed.

PREVENTION OF DOUBLE TAXATION OF CERTAIN SERVICEMEMBERS

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 105 of H.R. 4658, as amended, would prohibit a tax jurisdiction from imposing a use, excise or similar tax on the personal property of a servicemember who is not a resident, if the tax jurisdiction's laws do not provide a credit against such taxes previously paid on the same personal property in another tax jurisdiction.

FINDINGS AND SENSE OF CONGRESS REGARDING NEW VETERANS COURTHOUSE AND JUSTICE CENTER

Current Law

There is no applicable current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 3936 would make findings and express the sense of Congress that all other Article I courts of the United States are located in a dedicated courthouse; that the U.S. Court of Appeals for Veterans Claims, since its creation in 1988, has been located in a commercial office building; and that a dedicated Veterans Courthouse and Justice Center should be provided for the Court and the veterans it serves, and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation. Section 2 would also require that not later than 90 days after the date of enactment of this provision, the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services submit to the House and Senate Committees on Veterans' Affairs and Armed Services a joint report on the feasibility of locating a new Veterans Courthouse and Justice Center at an appropriate Pentagon Reservation site.

EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL FOR MEMBERS OF THE SELECTED RESERVE WHO AGGREGATE TWO OR MORE YEARS OF ACTIVE DUTY SERVICE DURING ANY FIVE-YEAR PERIOD

Current Law

Section 3012 of title 38, United States Code, authorizes the Department of Veterans Affairs to provide Chapter 30 educational assistance benefits to an individual who, after June 30, 1985, first enters on active duty and has his or her pay reduced by $100 per month for the first 12 months of active duty and serves at least two continuous years on active duty.

Senate Bill

Section 202 of S. 2486, as amended, would grant entitlement to Chapter 30 educational assistance benefits to an individual in the Selected Reserve who, during any five-year period beginning on or after September 11, 2001, and ending on June 30, 2008, serves an aggregate of two years of active duty service. The activated Selected Reserve member would be required to make a $1,200 contribution within one year of completing two years of aggregate active duty service.

House Bill

The House Bills contain no comparable provision.

MODIFICATION OF DEFINITION OF MINORITY GROUP MEMBER FOR PURPOSES OF ADVISORY COMMITTEE ON MINORITY VETERANS

Current Law

Section 544 of title 38, United States Code, establishes an Advisory Committee on Minority Veterans. For purposes of that section of law the term ''minority group members'' includes veterans who are: Asian American; Black; Hispanic; Native American (including American Indian, Alaskan Native, and Native Hawaiian); or Pacific-Islander American.

Senate Bill

Section 303 of S. 2486, as amended, would amend the definition of ''minority group member'' to conform to the new Race and Ethnic Standards used in Federal statistical reporting and in the 2000 United States Census. Specifically, section 303 would redefine the categories of minority group members making the following changes: substituting ''Asian'' for ''Asian American;'' ''Black or African American'' for ''Black;'' ''Hispanic, Latino, or Spanish Origin'' for ''Hispanic;'' and ''American Indian or Alaska

Native'' and ''Native Hawaiian or other Pacific Islander'' for ''Native American (including American Indian, Alaskan Native, and Native Hawaiian).''

House Bill

The House Bills contain no comparable provision.

INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

Current Law

Current law does not require an annual cost-of-living adjustment to veterans' and survivors' disability compensation.

Senate Bill

S. 2483 contains a similar provision.

House Bill

Section 2 of H.R. 4175 would provide, effective December 1, 2004, a cost-of-living adjustment to the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The percentage increase would be equal to the percentage increase for benefits provided under the Social Security Act.

Compromise Agreement

The Committees expect that a veterans' cost-of-living adjustment effective December 1, 2004, will be considered in another bill.

Mr. GRAHAM of Florida. Mr. President, as ranking member of the Committee on Veterans' Affairs, I urge my colleagues to continue to support our veterans and their families by passing the Veterans Benefits Improvement Act of 2004.

This bill, which I shall call the Compromise Agreement, is the final version of a veterans omnibus bill. The Compromise Agreement will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty.

It is very appropriate that at a time when our airmen, soldiers, sailors and marines are in harm's way, that we remember the sacrifices that those before them have made on behalf of this great Nation by improving and expanding veterans benefits for our Nation's bravest and their families.

I will briefly highlight some of the more important provisions, and then ask that my colleagues direct their attention to the Joint Explanatory Statement for further explanation of the proposed legislation.

Dependency and indemnity compensation is a monthly benefit paid to eligible survivors of servicemembers who died on active duty, and of certain veterans. A larger monthly benefit is paid to surviving spouses with children under the age of 18. Under this legislation, dependency and indemnity compensation for survivors, with dependent

children, of spouses killed on active duty would be increased by $250 a month, for 2 years, beginning on the date when entitlement to benefits begins. A VA contracted study found that spouses with children had a higher level of unmet need than spouses without children. This provision is included to further aid the transition of surviving spouses with dependent children. We must make every effort to make certain that the families of servicemembers who paid the ultimate sacrifice have their needs met.

Owning a home of one's own is the American Dream. This legislation would make that dream a reality for more of our veterans by increasing the maximum amount of the VA home loan guaranty. The current VA loan limit of $240,000 restricts beneficiaries from using the guaranty because it is insufficient to cover median housing prices in many parts of the Nation. Section 403 of the Compromise Agreement would increase the maximum VA loan amount to $333,700. It would also index the loan limit to 25 percent of the conforming loan limit for a single-family residence as set by Freddie Mac. This would allow the loan limit to continue to rise with the cost of housing inflation automatically. This change, coupled with the reinstatement of the VA adjustable rate mortgage loan program and improvement of the hybrid adjustable rate mortgage loan program will allow many more veterans to be able to purchase a home.

The second half of the American Dream is a college education. Educational assistance is provided to the surviving spouse of a servicemember or veteran who died of a service-connected injury, or the spouse of a veteran who is rated by VA to be totally and permanently disabled. The spouse has 10 years to use the entitlement. However, many surviving spouses, during this difficult transitional period, are busy raising children and working making it impossible to use the education benefit. This legislation would give an additional 10 years to the surviving spouse of a servicemember who died of a service-connected disability to use the benefit.

Under current law, a member of the Selected Reserve or National Guard must contribute a non-refundable $1,200 in order to participate in the Montgomery GI Bill education program. However, a member of the Selected Reserve must spend 1 year on active duty before being eligible for the program. Section 109 of the committee bill would create flexibility and allow the Montgomery GI Bill participation fee to be collected not later than 1 year after the completion of 2 years of active duty, ensuring that the Reserve or Guard has become eligible by satisfying the service requirement.

With the costs of attending college rising, it is important that we do as much for our veterans as possible so that they may reach their academic objectives. This legislation would allow VA to reimburse eligible beneficiaries for the cost of certain national admission tests, such as the Law School Admission Test, Graduate Record Exam, Graduate Management Admission Test, and Scholastic Aptitude Test, and for course credit at institutions of higher learning, such as the Advanced Placement Exam and College-Level Examination Program.

In keeping with this committee's continuing effort to aid veterans in attaining appropriate education and employment opportunities, this legislation improves the full-time apprenticeship and on-job training programs under the MGIB. Section 103 of the Compromise Agreement, for more than a 2-year period, would increase the full-time VA monthly educational assistance allowance payable to individuals participating in these training programs. For the first 6 months of training, the monthly benefit would increase to 85 percent from 75 percent; for the second 6 months, 65 percent from 55 percent; and the remainder of months, 45 percent from 35 percent. Additionally, Section 104 of the Compromise Agreement authorizes VA to pay educational benefits to veterans participating in competency-based apprenticeships, in addition to time-based apprenticeships, bringing the VA program in line with the way most apprenticeship programs are structured today.

These provisions show our veterans America's continuing unwavering support of the service and sacrifice that they have made on behalf of this country. Particularly at a time when we are at war, we must ensure our servicemembers that we will fulfill the commitment promised by Abraham Lincoln, ''to care for him that shall have borne the battle and for his widow and his orphan.''

In conclusion, I would like to specifically thank Senator SPECTER and his benefits staff for their work on this comprehensive bill, specifically Bill Tuerk, Jon Towers and Chris McNamee, and my staff, Buddy Menn, Mary Schoelen, Dahlia Melendrez, Ted Pusey, Amanda Krohn, and Tandy Barrett, who recently left the committee, for all of their hard work in helping to put this legislation together. I urge my colleagues to support this legislation on behalf of America's veterans and their families.

I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4044) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2486), as amended, was read the third time and passed.

The title was amended so as to read:

''A bill to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.''.

ORDERS FOR SATURDAY, OCTOBER 9, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Saturday, October 9; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. Res. 445, the Senate intelligence reform resolution; provided further that the time until 11:15 be equally divided between the two managers, with 30 minutes under the control of Senator HARKIN.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the Senate intelligence reform resolution. Under the previous order, each of the remaining amendments in order will be offered, and the time until 11:15 will be equally divided for debate on the amendments. At 11:15 a.m., the Senate will proceed to a stacked series of votes on the remaining amendments, to be followed by a vote on adoption of the resolution, and a vote on the Harkin resolution.

Following disposition of the Senate intelligence reform resolution, the Senate will resume consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill. It remains my hope that we can expedite consideration of the conference report, but I would remind all Senators that a cloture motion is pending and that vote is now scheduled to occur at 1 p.m. on Sunday. If cloture is invoked, we would hope that Members will allow us to move forward with the vote on passage at the earliest possible time.

The Senate may also take up the Department of Defense authorization conference report tomorrow or any appropriations conference report when it becomes available. I thank my colleagues for their patience. Weekend sessions are rare, but we have a lot of work to accomplish prior to adjourning. That work we will accomplish.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Saturday, October 9, 2004, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 8, 2004:

UNITED STATES POSTAL SERVICE

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2005, VICE ERENSTA BALLARD, RESIGNED.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE ALBERT CASEY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

STEVEN G. ALLRED, 0000
JOEL O. ALMOSARA, 0000
MARK J. ARMSTRONG, 0000
THOMAS A. BACON, 0000
ANNE H. BARRETT, 0000
MARK J. BATES, 0000
JOHN L. BELL JR., 0000
WILLIAM T. BENNETT, 0000
GREGORY D. BOBEL, 0000
LINDA L. BONNEL, 0000
LINDA S. BROECKL, 0000
DOUGLAS A. BURKETT, 0000
BRIAN G. CASLETON, 0000
ALICE S. CHAPMAN, 0000
JOHN T. CRIST, 0000
DARRIN L. CURTIS, 0000
RICHARD B. DELEON, 0000
KAREN S. FRALEY, 0000
MARKUS P. GMEHLIN, 0000
MARTHA D. GOFF, 0000
DANIEL J. GOLEN, 0000
REBA E. HARRIS, 0000
JANE E. HEETDERKSCOX, 0000
DAVID A. KAUTH, 0000
NANCY L. KLEIN, 0000
MARK A. LANGE, 0000
ABBIE K. LUCK, 0000
BRIAN B. MEIER, 0000
LUCIA E. MORE, 0000
TIMOTHY J. * MUKODA, 0000
JOSEPH J. NARRIGAN, 0000
RANDALL C. NEDEGAARD, 0000
DAVID K. NELSON, 0000
DEBRA ANN NOTTURNOBAYLEY, 0000
CRAIG A. OLSON, 0000
MARK S. OORDT, 0000
LISA T. PEGUES, 0000
RUSSELL L. PINARD, 0000
RONALD E. PORTE, 0000
PHILIP J. PREEN, 0000
ANDERSON B. ROWAN, 0000
MICHAEL B. SLACK, 0000
DAVID A. SMITH, 0000
CRAIG A. SMYSER, 0000
DAVID M. SONNTAG, 0000
SHARON L. SPRADLING, 0000
STEPHEN J. STOECKER, 0000
RONALD R. STUMBO, 0000
ROYCE M. TERRY, 0000
JONATHAN W. THOMAS, 0000
STEPHEN B. TUELLER, 0000
BRIAN L. WARRICK, 0000
JAMES D. WHITWORTH, 0000
ANNETTE J. WILLIAMSON, 0000
CHRISTOPHER A. D. WILLISTON, 0000
BRAD S. WINTERTON, 0000
JOHN R. WROCKLOFF, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DAVID C. ABRUZZI, 0000
RICHARD J. ADAMS, 0000
WALLACE L. ADDISON, 0000
RUSSELL G. ADELGREN, 0000
MARK L. * ADKINS, 0000
CARL W. AGAR, 0000
PATRICK A. AHLGRIMM, 0000
GREGORY C. AHLQUIST, 0000
PATRICK N. AHMANN, 0000
THERESA H. AINSWORTH, 0000
WILLARD B. AKINS II, 0000
JACQUELINE A. F. ALBRIGHT, 0000
VINCENT J. * ALCAZAR, 0000
ALEJANDRO J. ALEMAN, 0000
JEFFREY S. ALEXANDER, 0000
EDWARD D. ALLARD, 0000
JAMIE D. ALLEN, 0000
JOHN J. ALLEN, 0000
LISA C. ALLEN, 0000
MARK S. ALLEN, 0000
NEIL T. ALLEN, 0000
YOLANDA B. ALLEN, 0000
THOMAS P. ALLISON, 0000
DAVID L. ALMAND, 0000
THOMAS L. ALTO, 0000
DONATELLA D. ALVARADO, 0000
RICHARD C. AMBURN, 0000
STEVEN J. AMENT, 0000
KATHLEEN F. AMPONIN, 0000
BYRON B. ANDERSON, 0000
CHRISTINA M. ANDERSON, 0000
TIMOTHY D. ANDERSON, 0000
WILLIAM D. ANDERSON JR., 0000
JOSEPH F. ANGEL, 0000
JOHN S. R. ANTTONEN, 0000
REBECCA J. APPERT, 0000
ANDREW P. ARMACOST, 0000
ERIC L. ARMSTRONG, 0000
RUSSELL K. ARMSTRONG, 0000
DAVID C. ARNOLD, 0000
BRUCE A. ARRINGTON, 0000
CHRISTOPHER B. ASHBY, 0000
JOHN R. ASKREN, 0000
ROBIN D. ATHEY, 0000
LAWRENCE F. AUDET JR., 0000
MARK C. AUSTELL, 0000
RICHARD J. AUTHIER JR., 0000
CHRISTOPHER P. AZZANO, 0000
DOYLE R. * BABE, 0000
SCOTT E. BABOS, 0000
LEEMON C. BAIRD III, 0000
STACEE N. BAKO, 0000
SANFORD H. * BALKAN, 0000
DOUGLAS A. BALLINGER, 0000
KEVIN E. BANNISTER, 0000
KEVIN D. BARKER, 0000
DAVID W. BARNES, 0000
BRUCE C. BARTHOLOMEW, 0000
CATHY J. BARTHOLOMEW, 0000
PETER D. BASTIEN, 0000
ANDREW H. BATTEN, 0000
TONY D. BAUERNFEIND, 0000
KRIS A. BAUMAN, 0000
PAUL E. BAUMAN, 0000
DAVID J. BAYLOR, 0000
CHARLES E. BEAM, 0000
JOHN D. BEAN, 0000
BARRY D. BEAVERS, 0000
MATTHEW J. BECKAGE, 0000
BRIAN R. BEERS, 0000
MICHAEL D. BEESON, 0000
PAUL R. BEINEKE, 0000
THOMAS A. * BELL, 0000
WAYNE E. BELL, 0000
EUGENE R. BELMAIN II, 0000
DAVID B. BELZ, 0000
ROBERT E. BENNING, 0000
JAMES M. BENSON, 0000
RALPH E. BENTLEY, 0000
SCOTT I. BENZA, 0000
JEFFREY C. BERGDOLT, 0000
KURT A. BERGO, 0000
CYR LINDA K. BETHKE, 0000
SHAWN B. BEVANS, 0000
BRUCE A. BEYERLY, 0000
SUSHIL R. BHATT, 0000
JAY R. BICKLEY, 0000
TIMOTHY J. BILTZ, 0000
GREGORY A. BINGHAM, 0000
CRAIG S. BIONDO, 0000
DAVID R. BIRCH, 0000
TIMOTHY G. BISHOP, 0000
MARK L. BLACK, 0000
ALEXANDER J. BLANTON, 0000
DAVID P. BLAZEK, 0000
STEVEN J. BLEYMAIER, 0000
GARRY M. BLOOD, 0000
MORRIS C. BLUMENTHAL, 0000
MATTHEW J. BOBB, 0000
GREGORY A. BOERWINKLE, 0000
JAMES M. BOGUSLAWSKI, 0000
JULIE C. BOIT, 0000
RICHARD E. BOLTON, 0000
MICHAEL H. BOND, 0000
ROBERT T. BOQUIST, 0000
DAVID J. BORBELY, 0000
MICHAEL F. BORGERT, 0000
MAUREEN E. BORGIA, 0000
JAMES R. BORTREE, 0000
JAMES BOURASSA, 0000
JESSE BOURQUE JR., 0000
RANDELL P. BOWLING, 0000
SCOTT E. BOYD, 0000
ROBERT C. BOYLES, 0000
ANDREW R. BRABSON, 0000
SCOTT W. BRADLEY, 0000
ERIC P. BRAGANCA, 0000
CARY L. BRAGG, 0000
JAMES A. BRANDENBURG II, 0000
JOHN A. BRANIN, 0000
JAMES I. BRANSON, 0000
HELEN L. BRASHER, 0000
JAMES E. BRECK JR., 0000
BRAD A. BREDENKAMP, 0000
PAUL L. BREDHOLT, 0000
PATRICK D. BRENNAN, 0000
RICHARD F. * BRERETON, 0000
MICHAEL F. BRIDGES, 0000
LORING G. BRIDGEWATER, 0000
WILLIAM L. BRIGMAN, 0000
GREGORY S. BRINSFIELD, 0000
DALLAS S. BROOKS, 0000
TODD M. BROST, 0000
JOHN F. BROWER, 0000
GREGORY K. BROWN, 0000
KEVIN W. BROWN, 0000
RAY S. BROWN, 0000
SHERRY A. BROWN, 0000
TIMOTHY P. BROWN, 0000
KENNETH J. BROWNELL, 0000
ROBERT J. BRUCKNER, 0000
JERRY P. BRUMFIELD, 0000
DAVID F. BRUMMITT, 0000
ERIC J. BRUMSKILL, 0000
DALE S. BRUNER, 0000
CHRISTOPHER J. BRUNNER, 0000
ROBERT P. BUBELLO, 0000
ROBERT B. BUCHANAN, 0000
CAMERON E. BUCHHOLTZ, 0000
ROBERT A. BUENTE, 0000
STEVEN C. * BUETOW, 0000
PAUL A. BUGENSKE, 0000
DAVID BUKOVEY, 0000
KURT W. BULLER, 0000
KIMBERLY F. BULLOCK, 0000
KIRK P. BUNCH, 0000
JOHN G. BUNNELL, 0000
JEFFREY B. BURCHFIELD, 0000
PATRICK C. BURKE, 0000
TODD M. BURKHARDT, 0000
TIMOTHY A. BURNS, 0000
SCOTT D. BURNSIDE, 0000
PAUL J. * BURRELL, 0000
STEVEN B. BURTON, 0000
CHARLES K. BUSCH, 0000
CHRISTOPHER S. BUTLER, 0000
DONALD E. BUTLER, 0000
RUDOLPH E. BUTLER III, 0000
ERIC J. BUTTERBAUGH, 0000
BRADLEY J. BUXTON, 0000
TODD C. BYNUM, 0000
PHILIP M. BYRD, 0000
ANGELA M. CADWELL, 0000
SEANN J. CAHILL, 0000
DANIEL B. CAIN, 0000
ROBERT E. J. CALEY, 0000
GREGORY B. CALHOUN, 0000
DANIEL J. CALLAHAN, 0000
ITALO A. CALVARESI, 0000
DAVID C. CAMPASSI, 0000
STEVEN M. CAMPBELL, 0000
MICHAEL O. CANNON, 0000
KENNETH E. CANTERBURY, 0000
ALEJANDRO R. CANTU, 0000
BARRON D. CANTY, 0000
EDWARD J. CARDENAS, 0000
CHRISTOPHER A. CARLSEN, 0000
DANN S. CARLSON, 0000
ERIC N. CARLSON, 0000
KARN L. CARLSON, 0000
ALEXANDER E. CAROTHERS, 0000
ROBERT A. CARPENTER, 0000
VINCENT M. CARR JR., 0000
KURT J. CARRAWAY, 0000
MATTHEW D. CARROLL, 0000
AURELIA C. CARROLVERSON, 0000
TIM R. CARTER, 0000
JAVIER R. CASANOVA, 0000
WILLIAM M. CASHMAN, 0000
ERIC D. CASLER, 0000
HECTOR CASTILLO, 0000
WILLIAM M. CATHEY, 0000
VINCENT K. CATICH, 0000
MARC E. CAUDILL, 0000
DAVID A. CEBRELLI, 0000
JEFFREY D. CETOLA, 0000
GLENN S. CHADWICK, 0000
KENNETH M. CHAISSON, 0000
JAMES E. CHALKLEY II, 0000
RICHARD M. CHAMBERS, 0000
RICHARD W. CHANCELLOR, 0000
MICHAEL J. CHAPA, 0000
NIKOLAS CHAPAPAS, 0000
MARTIN A. CHAPIN, 0000
DAVID E. CHELEN, 0000
MARC L. CHERRY, 0000
THOMAS E. CHESLEY, 0000
LISETTE D. CHILDERS, 0000
BOGDAN CHOMICKI, 0000
TIMOTHY CHONG, 0000
DIANE M. CHOY, 0000
MIKE G. CHRISTIAN, 0000
MARK K. CIERO, 0000
DANIEL J. CLAIRMONT, 0000
ANDRA B. CLAPSADDLE, 0000
DOUGLAS S. CLARK, 0000
JAMES A. CLARK, 0000
JOHN A. CLARK, 0000
ANDREW A. * CLARKE, 0000
JAMES A. CLAVENNA, 0000
ROGER L. CLAYPOOLE JR., 0000
SHERMAN M. CLAYTON, 0000
RONALD E. CLEAVES, 0000
ARDYCE M. CLEMENTS, 0000
RODNEY L. CLEMENTS, 0000
CHAD M. CLIFTON, 0000
TERENCE P. CLINE, 0000
DAVID L. CLOE, 0000
KEVIN J. CLOWARD, 0000
JEFFREY H. * COGGIN, 0000
THOMAS C. COGLITORE, 0000
JOHN COLLEY, 0000
WENDELL L. COLLINS, 0000

MIGUEL J. COLON, 0000
MARK E. COLUZZI, 0000
JUAN T. COMMON, 0000
RONALD L. COMOGLIO, 0000
BRIAN D. CONANT, 0000
MONICA K. CONCHOLAR, 0000
STEPHEN R. CONKLING, 0000
MICHAEL R. CONTRATTO, 0000
DAYNE G. COOK, 0000
KAREN L. COOK, 0000
SCOTT P. COOK, 0000
DAVID L. COOL, 0000
DAVID J. COPPLER, 0000
EDWARD R. CORCORAN, 0000
TOBY L. COREY, 0000
MATTHEW J. CORNELL, 0000
SEAN C. CORNFORTH, 0000
DAVID A. CORRELL, 0000
DEREK F. COSSEY, 0000
JAMES A. COSTEY, 0000
BRIAN S. COULTRIP, 0000
JEFFERY M. COX, 0000
JODY D. COX, 0000
MATTHEW D. COX, 0000
KEVIN M. COYNE, 0000
SUHRA E. COYNE, 0000
CHRISTOPHER E. CRAIGE, 0000
KENNETH S. CRANE, 0000
DAVID M. CREAN, 0000
BRIAN L. CREASY, 0000
JAMES A. CREWS, 0000
THOMAS D. CRIMMINS, 0000
GIA C. CROMER, 0000
JEFFREY L. CROW, 0000
WILLIAM P. CROWE, 0000
BRETT E. CROZIER, 0000
HAYWOOD L. CRUDUP, 0000
BRIAN P. CRUICKSHANK, 0000
JACQUELINE CRUM, 0000
BRYAN L. CRUTCHFIELD, 0000
KEVIN M. CRUZE, 0000
MICHAEL G. * CULJAK, 0000
CARNELL C. CUNNINGHAM, 0000
JOHN T. CUNNINGHAM, 0000
MILLER CUNNINGHAM JR., 0000
JARED P. CURTIS, 0000
MARC E. CWIKLIK, 0000
DANIEL D. CZUPKA, 0000
THOMAS D. DAACK, 0000
DENNIS P. DABNEY, 0000
RICHARD S. DABROWSKI, 0000
TODD S. DAGGETT, 0000
BRYAN T. DAHLEMELSAETHER, 0000
THOMAS K. DALE, 0000
KENNETH J. DALFONSO, 0000
MATTHEW R. DANA, 0000
CHRISTOPHER O. DARLING, 0000
KEVIN J. DAUL, 0000
JUSTIN C. DAVEY, 0000
TERENCE A. DAVEY, 0000
DEREK K. DAVIS, 0000
HARRY A. DAVIS JR., 0000
JEFFREY A. * DAVIS, 0000
JONATHAN P. DAVIS, 0000
STEPHEN M. DAVIS, 0000
THEODORE L. DAVIS JR., 0000
JERI L. DAY, 0000
DARRELL S. DEARMAN, 0000
ROD A. DEAS, 0000
JEFFREY A. DEBOER, 0000
MICHAEL E. DEBRECZENI, 0000
JEFFREY W. DECKER, 0000
KIMBERLY JO DECKER, 0000
CHARLES E. DECKETT, 0000
BRENTLY G. DEEN, 0000
DARIN A. DEFENDORF, 0000
GREGORY S. DEFORE, 0000
HARVEY T. DEGROOT, 0000
DENNIS L. DEITNER, 0000
PETER J. DEITSCHEL, 0000
GERARDO DELACRUZMARTINEZ, 0000
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TONY J. DELIBERATO, 0000
MILES A. DEMAYO, 0000
FRANKLIN L. DEMENT, 0000
ANDRE R. DEMPSEY, 0000
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JASON J. DENNEY, 0000
LEANN DERBY, 0000
CHRISTOPHER A. DESIMONE, 0000
TED A. DETWILER, 0000
CHRISTOPHER M. DEVAUGHN, 0000
ROBERT J. DIANTONIO, 0000
ROBERT L. DIAS, 0000
RODNEY L. DICKERSON, 0000
JOHN R. DIERCKS, 0000
BOBBY R. DILLON, 0000
ANTHONY V. DIMARCO, 0000
PERCY A. DINGLE, 0000
JON J. DIX, 0000
KEVIN D. DIXON, 0000
DAVID W. DODGE, 0000
TIMOTHY C. DODGE, 0000
RICHARD A. DOLLESIN, 0000
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DAVID R. DORNBURG, 0000
JAMES L. DOROUGH JR., 0000
TRACY K. DORSETT III, 0000
DENIS P. DOTY, 0000
MARK R. DOUGLAS, 0000
RICHARD J. DOUGLASS, 0000
THOMAS R. * DOWDLE, 0000
PATRICK K. DOWLING, 0000
JAMES D. DOWNARD II, 0000
MICHAEL P. DOYLE, 0000
RICHARD A. DOYLE, 0000
TY R. DRAKE, 0000
JAMES H. DRAPE, 0000
DONALD R. DRECHSLER, 0000
DAVID J. DRESSEL, 0000
GARY T. DROUBAY, 0000
BRIAN M. DUBROFF, 0000
JOHN C. * DUFFEK, 0000
DAVID T. DUHADWAY, 0000
CARL R. DUMKE, 0000
KEVIN C. DUNBAUGH, 0000
LOUIS F. DUPUIS JR., 0000
JAMES A. DURBIN, 0000
JOHN P. DURNFORD, 0000
STEVEN L. DUTSCHMANN, 0000
JAMES P. DUTTON, 0000
ANTHONY T. DYESS, 0000
ALTON D. DYKES, 0000
STEPHEN M. EARLE, 0000
BILLIE S. EARLY, 0000
DARWIN H. EASTER, 0000
DAVID P. EASTERLING JR., 0000
ERIK H. ECKBLAD, 0000
BRYAN E. * EDMONDS, 0000
DANIEL C. EDWARDS, 0000
JOSEPH E. EDWARDS III, 0000
PHILLIP T. * EDWARDS, 0000
RICHARD J. EDWARDS, 0000
CHRISTOPHER J. EICHORST, 0000
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KENNETH P. EKMAN, 0000
NEVIN K. ELDEN, 0000
EDWARD C. ELDER III, 0000
ERIK J. ELIASEN, 0000
MICHAEL D. ELIASON, 0000
ALAN W. ELLEDGE, 0000
TODD C. ELLISON, 0000
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KERRY W. EVANS, 0000
MARK W. EVANS, 0000
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PETER W. FARNEY, 0000
COLIN P. FARRELL, 0000
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SAMUEL S. FEDAK, 0000
ANNE MARIE FENTON, 0000
DRILLER L. FIEGEL, 0000
DONALD J. FIELDEN, 0000
AMY H. FIER, 0000
SHAWN D. FILBY, 0000
KAREN A. FINN, 0000
MICHAEL FINN II, 0000
JOHN N. FISCH, 0000
JEFFREY H. FISCHER, 0000
BARRY W. FISHER, 0000
EDWARD B. * FISHER, 0000
MICHAEL R. FISHER, 0000
FREDRIC S. * FITZSIMMONS, 0000
PETER G. FITZSIMMONS, 0000
MICHAEL P. FLAHERTY, 0000
TODD J. FLESCH, 0000
BRIAN J. FLETCHER, 0000
PATRICK M. FLOOD, 0000
KELLY D. FLOREK, 0000
RUEHL F. FLORES, 0000
ROBERT L. FLOYD IV, 0000
VICTOR M. FLOYD, 0000
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CHRISTOPHER C. * FOLTZ, 0000
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WILLIAM A. FORKNER, 0000
ANDREAS J. FORSTNER, 0000
JUSTIN C. FORTUNE, 0000
CHRISTOPHER T. FOSTER, 0000
GREG W. FOSTER, 0000
JAMES R. FOURNIER, 0000
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WENDY K. FRASER, 0000
GINA T. FRATIANI, 0000
THOMAS E. FREDERICKS, 0000
MICHAEL L. FREDLEY, 0000
MICHAEL R. FREY, 0000
SCOTT G. FRICKENSTEIN, 0000
DON C. FULLER III, 0000
MICHAEL L. FUREY, 0000
TALMADGE A. GAITHER, 0000
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CHADWICK H. GARBER, 0000
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MARIA L. GARCIA, 0000
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ANTHONY W. GENATEMPO, 0000
LYNNANE E. GEORGE, 0000
ROBERT T. GERMANN, 0000
BRIAN E. * GERONIME, 0000
PATRICIA A. GETHING, 0000
MARK A. GIDDINGS, 0000
WILLIAM W. GIDEON, 0000
SCOTT L. GIERAT, 0000
WILLIAM GIESER, 0000
CAMERON L. GILBERT, 0000
RANDALL S. GILHART, 0000
JOHN D. GILLESPIE, 0000
PAUL G. GILLESPIE, 0000
SHAWN P. GILLESPIE, 0000
WILLIAM U. GILLESPIE IV, 0000
GARY S. GIMA, 0000
MARK A. GISI, 0000
JOHN T. GLASSELL, 0000
MARK I. GLYNN, 0000
MICHAEL K. * GNALL, 0000
MATTHEW E. GODA, 0000
REGINA T. GOFF, 0000
TODD J. GONDECK, 0000
PATRICK J. GOOLEY, 0000
GARY E. GORDON, 0000
GERARD GORDON, 0000
GREGORY A. GOSSAGE, 0000
STEVEN F. GOTTSCHALK, 0000
CLAYTON M. GOYA, 0000
JOHNATHAN V. GRAFELMAN, 0000
SCOTT D. GRAHAM, 0000
GARY L. GRAPE, 0000
KATHLEEN M. GRASSE, 0000
ANDREW J. GRAU, 0000
ANN Y. GRAVIER, 0000
CHRISTOPHER P. GRAZZINI, 0000
MICHAEL W. GREEN, 0000
KENNETH M. GREENSTREET, 0000
PAULA D. GREGORY, 0000
CHRISTOPHER E. GREIMAN, 0000
JOHN E. GRENIER, 0000
KYLE D. GRESHAM, 0000
JOHN M. GRIFFIN, 0000
JOY D. GRIFFITH, 0000
JOHN T. GRIVAKIS, 0000
JANET W. GRONDIN, 0000
PAUL M. GROTELUESCHEN, 0000
CLARK M. GROVES, 0000
WILLIAM C. * GRUND, 0000
MICHAEL A. GUETLEIN, 0000
DUANE D. GUNN, 0000
TORRES ALEX X. GUTIERREZ, 0000
GARY S. HAAG, 0000
SEAN M. HACKBARTH, 0000
DAVID G. HADDEN, 0000
BRYAN K. HADERLIE, 0000
GREGORY S. HAEFELE, 0000
CURTIS R. HAFER, 0000
CLAY W. HALL, 0000
MICHAEL J. HALLORAN, 0000
DAVID S. HAMBLETON, 0000
EILEEN R. HAMBY, 0000
ALISON D. HAMILTON, 0000
CHARLES T. HAMILTON, 0000
DANIEL E. HAMILTON, 0000
ROBERT D. HAMILTON JR., 0000
KELLY D. HAMMETT, 0000
JAMES D. HANKINS, 0000
JOHN T. HANNA, 0000
SCOTT M. HANNAN, 0000
RONALD L. HANSELMAN JR., 0000
DAVID E. HANSEN, 0000
LISA K. HANSEN, 0000
ALFRED R. HANSON, 0000
KRAIG M. HANSON, 0000
MICHAEL C. HARASIMOWICZ, 0000
DOUGLAS D. HARDMAN, 0000
JEANNE I. HARDRATH, 0000
REGINA HARGETT, 0000
MICHAEL R. HARGIS, 0000
MARK J. HARLOW, 0000
GETTYS N. HARRIS JR., 0000
KENNETH A. HART, 0000
RICHARD A. HARVEY, 0000
VALERIE L. HASBERRY, 0000
BRIAN E. HASTINGS, 0000
SUSAN E. HASTINGS, 0000
BRETT R. HAUENSTEIN, 0000
TIMOTHY D. HAUGH, 0000
STACEY T. HAWKINS, 0000
RODNEY C. HAYDEN, 0000
TRACEY L. HAYES, 0000
JERRY W. HAYNES II, 0000
JOSEPH H. HAYSLETT JR., 0000
KIMBERLY LOVING HEARTSONG, 0000
DOUGLAS M. HEATH, 0000
GREGORY L. HEBERT, 0000
JOHN P. HEDRICK, 0000
PATRICK E. * HEFLIN, 0000
CARLIN R. HEIMANN, 0000
STEPHEN W. HEINRICH, 0000
MARK L. HELLEKSEN, 0000
MICHAEL W. HELVEY, 0000
EDWARD J. HENNIGAN II, 0000
LEANNE J. HENRY, 0000
CHRISTOPHER C. HERRING, 0000
CHRISTOPHER J. HESLIN, 0000
MARC V. HEWETT, 0000
ANTHONY A. HIGDON, 0000
JEFFREY L. HIGGINS, 0000
ROBERT W. HIGHLEY, 0000
CHRISTOPHER D. HILL, 0000
ERIC T. HILL, 0000
ROBIN L. HILL, 0000
GREGORY D. HILLEBRAND, 0000
KARL V. HINES, 0000
MICHAEL W. HINZ, 0000
RONALD W. HIRTLE, 0000
MARK A. HIRYAK, 0000
DAVID J. HLUSKA, 0000
CALMA C. HOBSON, 0000
CARL E. HODGES, 0000
JAMES C. HODGES, 0000
JOSEPH A. HOELSCHER, 0000
MICHAEL T. HOEPFNER, 0000
HANS A. HOERAUF, 0000
DAVID J. HOFF, 0000
TIMOTHY J. HOGAN, 0000

MICHAEL W. HOH, 0000
JEFFERY A. * HOLBROOK, 0000
STEPHANIE A. HOLCOMBE, 0000
JAMES F. HOLLIE, 0000
MICHAEL R. HOLMES, 0000
STAN L. * HOLMES, 0000
JERILYN G. HOLSAPPLE, 0000
CAMERON G. HOLT, 0000
WILLIE O. HOLT JR., 0000
DAVID E. HOOK, 0000
JOHN L. HOOVER, 0000
DAVID J. HORNYAK, 0000
RICHARD B. HUBBARD III, 0000
BRYAN J. HUDGENS, 0000
JED L. HUDSON, 0000
KEVIN J. HUGHES, 0000
PATRICK HUGHES, 0000
RICHARD J. HUGHES, 0000
STEPHEN A. HUGHES, 0000
CHERYL L. HUGULEY, 0000
KIRK W. HUNSAKER, 0000
JAMES D. HUNSICKER, 0000
CLINT H. HUNT, 0000
JOHN T. HUNTER, 0000
BRYAN K. HUNTSMAN, 0000
JEFFREY H. HURLBERT, 0000
LINDA S. HURRY, 0000
STEVEN R. HUSS, 0000
JON E. INCERPI, 0000
ROBERT L. INGEGNERI, 0000
ROBERT E. INTRONE, 0000
CHRISTOPHER J. IRELAND, 0000
CHRISTOPHER D. IRWIN, 0000
EZEKIEL T. ISAIS, 0000
MATTHEW C. ISLER, 0000
DAVID R. IVERSON, 0000
BRICK IZZI, 0000
ROBERT S. JACKSON JR., 0000
STEPHEN R. JACKSON, 0000
JOHN A. JACOBSON, 0000
DARREN V. JAMES, 0000
GEORGE L. JAMES, 0000
PAUL D. JAMPOLE, 0000
KALEN K. JEFFERS, 0000
MARC E. JEFFERSON, 0000
HENRY C. JENKINS JR., 0000
JEFFREY J. JENKINS, 0000
MYRA D. JENKINS, 0000
CHARLES R. JENNINGS, 0000
JOSEPH S. JEZAIRIAN, 0000
DAVID A. JOHNSON, 0000
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DONNA L. JOHNSON, 0000
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WILLIAM H. JOHNSON III, 0000
RONALD E. JOLLY, 0000
BARRY W. * JONES, 0000
BENJAMIN F. JONES, 0000
DATHAN B. JONES, 0000
JEFFREY D. * JONES, 0000
JOHN W. JONES, 0000
RICHARD J. JONES, 0000
CURTIS M. JORDAN, 0000
JOSEPH S. JULIAN JR., 0000
DONALD J. KADERBEK, 0000
RUSSELL T. KASKEL, 0000
RANDY L. KAUFMAN, 0000
ADAM B. KAVLICK, 0000
DAVID A. * KAWECK, 0000
CHRISTY A. KAYSERCOOK, 0000
DAWN D. KEASLEY, 0000
PATRICK D. KEE, 0000
CLIFFORD A. KEENAN, 0000
PATRICK M. KEENAN, 0000
ROBERT B. KEENEY JR., 0000
TIMOTHY L. KEEPORTS, 0000
D. EDWARD KELLER JR., 0000
STEVEN E. KELLER, 0000
JAMES H. KELLEY JR., 0000
KEVIN C. KELLEY JR., 0000
MICHAEL B. KELLY, 0000
THOMAS A. KELLY IV, 0000
WAYNE N. KELM, 0000
MALCOLM T. KEMENY, 0000
ANDRE L. KENNEDY, 0000
DOUGLAS B. KENNEDY, 0000
KEVIN B. KENNEDY, 0000
PATRICK S. KENNEDY, 0000
STEVEN T. KENNEL, 0000
COREY J. KEPPLER, 0000
VICKIE S. KERSEY, 0000
TIMOTHY G. KETTERER, 0000
EDWARD J. KHIM, 0000
BRIAN C. KIEFFER, 0000
THOMAS J. KILLEEN, 0000
KIRK A. KIMMETT, 0000
DAVID R. KING, 0000
DEAN D. KING, 0000
RICHARD L. KING JR., 0000
BRADLEY A. KINNEER, 0000
DAVID K. * KLAUS, 0000
KONRAD J. KLAUSNER, 0000
JEFFREY T. KLIGMAN, 0000
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EDMUND W. KNETIG, 0000
DAVID W. KNIGHT, 0000
HEATHER R. KNIGHT, 0000
CHARLES W. KNOFCZYNSKI, 0000
RICHARD W. KOELLING JR., 0000
SANDRA J. KOLB, 0000
MICHAEL L. KONING, 0000
BRIAN L. KONKEL, 0000
JAMES L. KOONTZ, 0000
TRACEY D. KOP, 0000
KENNETH L. KORPAK, 0000
IOANNIS KOSKINAS, 0000
STEVEN C. KOVERMAN, 0000
KARL W. KRAAN, 0000
GEORGE S. KRAJNAK, 0000
TODD D. KRATZKE, 0000
RICHARD E. KRAUS, 0000
ROBERT W. KRAUS, 0000
ROBERT C. KRAUSE, 0000
GREGORY J. KRAUT, 0000
JAMES E. KRICKER, 0000
JOHN P. * KRIEGER, 0000
SHANNON E. KRUSE, 0000
JAMES K. KUBINSKI, 0000
DAVID P. KUENZLI, 0000
SCOTT A. KUNKEL, 0000
KURT W. KUNTZELMAN, 0000
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ROWENE J. LANT, 0000
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SEAN D. LASSITER, 0000
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OCTAVE P. LAURET III, 0000
JEROME P. LAVELY, 0000
LORI S. LAVEZZI, 0000
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DAVID T. LAWYER, 0000
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JEANNIE M. LEAVITT, 0000
MARK T. LEAVITT, 0000
HYON K. LEE, 0000
RUSSELL E. * LEE, 0000
SCOTT T. LEFORCE, 0000
STEVE A. LEFTWICH, 0000
AARON D. LEHMAN, 0000
NORMAN J. LEONARD, 0000
GARY N. LEONG, 0000
JOHN F. LEPORE JR., 0000
CYNTHIA A. LESINSKI, 0000
JAMES L. LESS, 0000
STEVEN J. LEWIS, 0000
ANITA L. LIGHTFOOT, 0000
JOSEPH M. LIMBER, 0000
TIMOTHY J. LINCOLN, 0000
CHRISTOPHER J. LINDELL, 0000
FRANK J. LINK, 0000
FREDERICK H. LINK, 0000
KENNETH A. LINSENMAYER, 0000
CHRISTOPHER P. LIPNITZ, 0000
WILLIAM JOHN LIQUORI JR., 0000
WILLIAM C. LIVESAY JR., 0000
THOMAS K. LIVINGSTON, 0000
MATTHEW J. LLOYD, 0000
STEPHEN E. LLOYD, 0000
STACY LOCKLEAR JR., 0000
DOUGLAS T. LOEHR, 0000
STEVEN M. LOKEN, 0000
FREDERICK A. LOMBARDI, 0000
JOHN H. LONG, 0000
SCOTT N. LONG, 0000
RANDALL F. LOOKE, 0000
LESTER R. LORENZ, 0000
WILLIAM J. LOREY, 0000
VINCENT J. LOSTETTER JR., 0000
JEFFREY C. LOVELACE, 0000
DENNIS J. LUCAS, 0000
MARISSA C. LUCERO, 0000
ROY S. LUDVIGSEN, 0000
ROBERT A. LURZ, 0000
JOHN M. LUSSI, 0000
MARK NMN LUTTSCHWAGER, 0000
DANIEL R. LYKINS, 0000
DAVID L. LYLE, 0000
DAVID F. LYNCH, 0000
GREGORY D. LYND, 0000
DONALD D. LYTLE, 0000
MATTHEW M. D. * MACE, 0000
DAVID P. MACK, 0000
JEFFREY D. MACLOUD, 0000
DAVID L. MAHANES II, 0000
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DAVID J. MALONEY, 0000
LORALEE R. MANAS, 0000
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CHRISTOPHER M. MARCELL, 0000
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JOEL L. MARTIN, 0000
JOHN M. MARTIN, 0000
WILLIAM J. MARTIN, 0000
JAMES T. MARX, 0000
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JAMES B. MATTILA, 0000
DAVID M. MATTSON JR., 0000
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PAUL W. MCAREE, 0000
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TODD V. MCCAGHY, 0000
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PAUL R. MCCARVER, 0000
MITCHELL T. MCCLAREN, 0000
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BRUCE R. MCNAUGHTON, 0000
SAMUEL L. MCNIEL, 0000
FRANK A. MCVAY, 0000
MARC C. MCWILLIAMS, 0000
CHARLES R. MEADOWS, 0000
DEBORAH E. MEADOWS, 0000
BRUNO A. MEDIATE, 0000
JAMES M. MEEK, 0000
BRUNO MELTON, 0000
MICHAEL A. MENDOZA, 0000
WILLIAM E. * MENGERS, 0000
WILLIAM J. MERCHANT, 0000
DANIEL F. MERRY, 0000
CONSTANCE M. MESKILL, 0000
CHARLES E. METROLIS JR., 0000
EDWARD A. MEYER, 0000
GREGORY S. MEYER, 0000
THOMAS E. MEYER, 0000
JOSEPH F. * MICHELL IV, 0000
SAMUEL P. MILAM, 0000
STEPHEN V. MILIANO, 0000
JOHN C. MILLARD, 0000
DAVID E. MILLER, 0000
PATRICK D. MILLER, 0000
SCOTT C. MILLER, 0000
SUSAN M. MILLER, 0000
TOM D. MILLER, 0000
JOSEPH A. MILNER, 0000
RICHARD K. MILNER, 0000
LOUIS E. MINGO JR., 0000
JIMMIE L. MITCHELL JR., 0000
JOHN H. MODINGER, 0000
MATTHEW C. MOLINEUX, 0000
MITCHELL A. MONROE, 0000
MICHAEL G. MONSON, 0000
KENNETH S. S. MONTGOMERY, 0000
KIRK A. * MONTGOMERY, 0000
II NATHAN C. MOONEY, 0000
CHARLES E. MOORE JR., 0000
WILLIAM L. MOORE, 0000
ERIN R. MORAN, 0000
DAVID J. MORGAN, 0000
DONALD MORGAN, 0000
BRIAN K. MORRIS, 0000
CAIL MORRIS JR., 0000
MICHAEL E. MORRIS, 0000
WILLIAM F. MORRISON II, 0000
ROBERT L. MOSES, 0000
DEBORA E. MOSLEY, 0000
GERARD A. MOSLEY, 0000
RAY A. MOTTLEY, 0000
DANIEL R. MOY, 0000
ROBERT J. MOZELESKI, 0000
KEVIN M. MUCKERHEIDE, 0000
CHRISTOPHER G. MUELLER, 0000
KYLE D. MULLEN, 0000
DOUGLAS E. MULLINS, 0000
ROBERT B. MUNDIE, 0000
KENNY K. MUNECHIKA, 0000
PORFIRIO H. MUNOZ JR., 0000
WILLIAM C. * MURPHEY, 0000
BRIAN C. MURPHY, 0000
JOHN E. * MURPHY, 0000
MARK C. MURPHY, 0000
MIMI MURPHY, 0000
IVAN D. MURRAY, 0000
LANCE T. MURRAY, 0000
MICHAEL J. MUSZYNSKI, 0000
DAVID S. MYERS, 0000
JEFFREY B. MYERS, 0000
LEMUEL R. MYERS JR., 0000
MARCUS S. MYERS, 0000
MICHAEL L. MYERS, 0000
MYLES M. NAKAMURA, 0000
JOHN S. NEHR, 0000
JAMES A. NEICE JR., 0000
JEFFREY D. NEISCHEL, 0000
BRETT J. NELSON, 0000
MICHAEL S. NELSON, 0000
MARK N. NEULANDER, 0000
BRIAN M. NEWBERRY, 0000
DAVID J. NEWTON, 0000
RANDAL G. * NEWTON, 0000
CLIFTON E. NICHOLS, 0000
ERIC B. NICKISH, 0000
KENT A. NICKLE, 0000
DANA S. NIELSEN, 0000
DOUGLAS J. NIKOLAI, 0000
TREVOR W. NITZ, 0000
JAMES R. NOETZEL JR., 0000
STEVEN P. NOLL, 0000

WILLIAM R. NOLTE, 0000
DEBRA A. NORTH, 0000
GEOFFREY N. NORTON, 0000
JAMES D. NORTON, 0000
NELSON J. * NOVO, 0000
MICHAEL T. OBERBROECKLING, 0000
BRIAN M. OCONNELL, 0000
MARY J. OCONNOR, 0000
TIMOTHY J. OCONNOR, 0000
GARY L. ODANIEL, 0000
KELVIN B. ODELL, 0000
JOSEPH M. ODER, 0000
MARK J. OECHSLE, 0000
JOHN W. OGDEN JR., 0000
DAVIS S. OISHI, 0000
CHRISTOPHER J. OLEKSA, 0000
RAFAEL E. OLIVA, 0000
KEVIN A. OLIVER, 0000
FORREST O. OLSON, 0000
PHILLIP G. ONEAL, 0000
DOUGLAS A. OPERSTENY, 0000
DANIEL J. ORCUTT, 0000
JUAN C. ORTIZ, 0000
TROY D. ORWAN, 0000
ERIC R. OSTENDORF, 0000
DEAN R. OSTOVICH, 0000
SHIRLENE D. OSTROV, 0000
LAWRENCE J. OTT, 0000
WILLIAM J. OTT, 0000
RONALD G. OWENS, 0000
DANIEL A. PACHECO, 0000
THOMAS C. * PADGETT JR., 0000
WILLIAM E. * PAGE III, 0000
THOMAS E. PAINTER JR., 0000
HANS F. PALAORO, 0000
RICK A. PALO, 0000
GLENN A. PANARO, 0000
RICH Y. PANG, 0000
MICHAEL J. * PAOLI, 0000
ALAN PAOLUCCI, 0000
JOHN A. PAPACHRISTON, 0000
ZANNIS M. PAPPAS, 0000
JOHN A. PARADIS, 0000
THOMAS E. PARENT, 0000
ROBERT S. PARKS, 0000
TODD J. PARKS, 0000
MICHAEL J. PASTIKA JR., 0000
DAVID M. PATTERSON, 0000
BRETT A. PAUER, 0000
TODD M. PAVICH, 0000
KENNETH A. PAXTON, 0000
JAMES M. PAYNE II, 0000
JOHN D. PEAK, 0000
STEVEN D. PEARSON, 0000
JAMES L. PEASE, 0000
STEPHEN D. PEDROTTY, 0000
KATHY G. PEEL, 0000
TIMOTHY W. PENLEY, 0000
RANDY B. PENSON, 0000
JOHN C. PEPIN, 0000
JEFFREY W. PERHAM, 0000
SEAN W. PERKINS, 0000
WAYNE D. * PERRY, 0000
KENNETH M. PESEK, 0000
BRIAN T. PETERSON, 0000
JOEL T. PETERSON, 0000
RICK T. PETITO, 0000
GILBERT E. PETRINA JR., 0000
KARL D. PFEIFFER, 0000
ERIC M. * PHARRIS, 0000
KEITH L. PHILLIPS, 0000
RODGER W. PHILLIPS, 0000
BRADLEY R. PICKENS, 0000
DAVID C. PIECH, 0000
MARK A. PIERCE, 0000
CORY M. PINK, 0000
MATTHEW T. PIRKO, 0000
JOHN D. PLATING, 0000
MICHAEL H. PLATT, 0000
FREDRICK G. PLAUMANN, 0000
TERENCE A. PLUMB, 0000
JULIE R. PLUMMER, 0000
DOUGLAS W. POHLMAN, 0000
KELLI B. POHLMAN, 0000
MATTHEW S. POISSOT, 0000
ANTHONY J. POLLIZZI JR., 0000
STEVEN A. POMEROY, 0000
DANIEL O. PONCEDELEON, 0000
CHRISTOPHER J. POSSEHL, 0000
DANA POWELL, 0000
STEPHEN R. PRATT, 0000
LAWRENCE E. PRAVECEK, 0000
KEITH M. PREISING, 0000
STERETT R. PREVOST IV, 0000
RICHARD D. PROCTOR, 0000
CYNTHIA A. PROVOST, 0000
CHARLES A. PRYOR III, 0000
HOWARD K. PSMITHE, 0000
GARY PUHEK, 0000
GLENN C. QUANBECK, 0000
YVETTE S. QUITNO, 0000
ALLEN C. RABAYDA, 0000
CARL W. RAHN, 0000
LIONEL L. RAMOS, 0000
STEVEN T. RAMSAY, 0000
MARK J. RAMSEY, 0000
JOSEPH R. RARICK, 0000
RICHARD J. RASMUSSEN, 0000
THOMAS R. RAULS, 0000
ERIC D. RAY, 0000
MICHAEL B. REDDING, 0000
EDWIN H. REDMAN, 0000
MARK A. REDMON, 0000
RANDALL REED, 0000
DAVID L. REESE, 0000
GREGORY J. REESE, 0000
DAVID J. REGA, 0000
ADAM S. REMALY, 0000
MARK E. RESSEL, 0000
DAMON R. REYNOLDS, 0000
RONDALL R. RICE, 0000
MICHAEL P. RICHMOND, 0000
JAMES E. RICKMAN, 0000
BRADLEY T. RIDDLE, 0000
DAVID T. RIDDLE, 0000
JOHN J. RIEHL, 0000
THOMAS J. RINEY, 0000
LUIS A. RIOS, 0000
RANDY L. RIVERA, 0000
SCOTT W. RIZER, 0000
GLENN E. ROBERTS, 0000
PETER C. ROBERTS, 0000
RICHARD C. ROBERTS, 0000
FRANKLIN T. ROBINSON, 0000
JOHN D. ROBINSON, 0000
KELLY G. * ROBINSON, 0000
MICHAEL T. ROCHE, 0000
JOHN M. RODEN, 0000
BARRY D. ROEPER, 0000
BRADLEY J. ROGERS, 0000
KENNETH J. ROLLER, 0000
MICHAEL A. ROMERO, 0000
RENE F. ROMERO, 0000
MARK D. ROOSMA, 0000
ELIZABETH A. ROPER, 0000
STEPHEN A. ROSE, 0000
NANCY M. ROWER, 0000
KEVIN M. ROZELSKY, 0000
ERIK K. RUNDQUIST, 0000
JOEL C. * RUSH, 0000
JOSEPH J. RUSHLAU, 0000
RONALD R. RUTLEDGE, 0000
JOHN K. RYAN, 0000
LAURA M. RYAN, 0000
JAMES SABELLA, 0000
IAN R. SABLAD, 0000
CINDY K. SABO, 0000
JOEL A. SAKURA, 0000
LESLEE J. SALECK, 0000
WILLIAM S. SALINGER, 0000
WILLIAM B. SALKIND, 0000
RUSSELL S. SALLEY, 0000
BRADLEY CHANCE SALTZMAN, 0000
MARISSA C. SALVADOR, 0000
DAVID M. SAMPSON, 0000
WILLIAM G. SANDERS, 0000
RALPH A. SANDFRY, 0000
JAIME SANTOS, 0000
MICHAEL E. SANTOS, 0000
SUSAN S. SANTOS, 0000
CHRISTOPHER M. SARTORIUS, 0000
GREGORY W. SAVA, 0000
GLEN A. SAVORY, 0000
BARBARA L. SAWYER, 0000
VINCENT J. SCANNELLI, 0000
ANTHONY SCELSI, 0000
GEORGE W. SCHANTZ JR., 0000
PAUL A. SCHANTZ, 0000
MICHAEL P. SCHAUB JR., 0000
SCOTT J. SCHEPPERS, 0000
RAYMOND D. SCHERR, 0000
KEVIN J. SCHIELDS, 0000
DANA R. SCHINDLER, 0000
MICHAEL N. SCHLACTER, 0000
MYRON L. SCHLUETER, 0000
KIRK T. SCHMIERER, 0000
GARY J. SCHNEIDER, 0000
NEAL W. * SCHNEIDER, 0000
JON S. H. SCHOENBERG, 0000
JOHN M. SCHOOT, 0000
KARY R. SCHRAMM, 0000
JEFFREY C. SCHROEDER, 0000
BARTON B. SCHUCK, 0000
RODGER G. * SCHULD, 0000
GREGORY W. SCHULTZ, 0000
JEFFREY K. SCHWEFLER, 0000
WALTER H. SCHWERIN JR., 0000
BRADLEY S. SEARS, 0000
DAREN A. * SEARS, 0000
JAMES R. SEARS JR., 0000
THOMAS J. SEBENS, 0000
ANTHONY B. SECRIST, 0000
JOHN T. SELDEN II, 0000
DWAYNE P. SELLERS, 0000
RONALD D. SENGER, 0000
MICHAEL B. SENSENEY, 0000
JORGE F. SERAFIN, 0000
GARY L. SERFOSS, 0000
MARK W. SERGEY, 0000
MAYAN SHAH, 0000
SAMUEL J. SHANEYFELT, 0000
TONY A. SHARKEY, 0000
CHRISTOPHER L. SHARP, 0000
BRUCE W. SHAW, 0000
CHARLES B. SHEA, 0000
WALTER A. SHEARER, 0000
SEAN W. SHEEHY, 0000
RICHARD A. SHEETZ, 0000
RICHARD A. SHELDON JR., 0000
GREGG A. SHELTON, 0000
NAM N. M. SHELTON, 0000
DAVID J. SHERMAN, 0000
DAVIN M. SHING, 0000
WILMA J. SHIVELY, 0000
MICHAEL K. SHOWER, 0000
ROBERTA L. SHREFFLER, 0000
RICHARD A. * SHUFF, 0000
SAMUEL M. SHULT, 0000
KEVIN D. SIEVERS, 0000
THEODORE R. SIEWERT, 0000
GLENN L. SIGLEY, 0000
SHAWN G. SILVERMAN, 0000
SCOTT C. SIMON, 0000
WILLIAM P. SINGLETARY, 0000
DALE P. SINNOTT, 0000
MATTHEW E. SKEEN, 0000
ANNE E. SKELLY, 0000
KEITH A. SKINNER, 0000
GARY C. SLACK, 0000
THOMAS G. SLOAN, 0000
ANDREW J. SMITH, 0000
BRIAN G. SMITH, 0000
BRUCE M. SMITH, 0000
COLLIN B. SMITH, 0000
COURTNEY V. SMITH, 0000
DARRYL M. * SMITH, 0000
DAVID W. SMITH, 0000
DEVIN E. SMITH, 0000
DOUGLAS S. SMITH, 0000
DUSTIN P. SMITH, 0000
JAMES B. SMITH, 0000
JAMES E. SMITH, 0000
JAMES R. SMITH JR., 0000
LINDA D. SMITH, 0000
MAUREEN J. SMITH, 0000
REGINALD R. SMITH, 0000
STELLA T. SMITH, 0000
MATTHEW C. SMITHAM, 0000
KERRY J. SMITHERS, 0000
FRANKLIN W. SMYTH, 0000
LAUREL A. SMYTH, 0000
JOHN H. SNELLING JR., 0000
KATHERINE O. SNYDER, 0000
WILLIAM H. SNYDER, 0000
PETER M. SOLIE, 0000
JEFFREY L. SORENSEN, 0000
RHONDA M. SOTO, 0000
ROBERT S. SPALDING, 0000
STEVEN N. SPANOVICH, 0000
THOMAS R. SPELLMAN, 0000
MERRICE SPENCER, 0000
MICHAEL M. SPENCER, 0000
TANGELA D. SPENCER, 0000
RON L. SPERLING, 0000
GARY M. SPILLMAN, 0000
DARREN D. SPRUNK, 0000
WILLIAM A. STAHL JR., 0000
JAMES P. STAVER, 0000
MARCUS S. * STEFANOU, 0000
KEVIN M. STEFFENSON, 0000
STEPHEN R. STEINER, 0000
MICHAEL J. STEPHENS, 0000
PETER B. STERNS, 0000
JOHN S. STEWART, 0000
SCOTT M. STEWART, 0000
ALESSANDRA STOKSTAD, 0000
BRYAN M. STOKSTAD, 0000
VICKI J. * STONE, 0000
JOHN J. STOREY, 0000
TODD J. STOVALL, 0000
MICHAEL R. STRACHAN, 0000
ROBERT M. STRESEMAN, 0000
ROBERT M. STRICKLAND JR., 0000
DOUGLAS E. STROPES, 0000
CARL A. STRUCK, 0000
TIMOTHY A. STRUSZ, 0000
JOHN W. STUBLAR, 0000
JOSEPH L. STUPIC, 0000
JAMES G. STURGEON, 0000
JAMES A. STURIM, 0000
ANTONIO R. SUKLA, 0000
RICHARD E. SURDEL, 0000
ROBERT C. SWARINGEN II, 0000
DAWN MARIE SWEET, 0000
MARK F. SWENTKOFSKE, 0000
MICHAEL A. SWIFT, 0000
MARK J. SYNOVITZ, 0000
TRACY R. SZCZEPANIAK, 0000
CHRISTIAN J. TAFNER, 0000
BRET C. TALBOTT, 0000
KEVIN C. TALIAFERRO, 0000
KERRY L. TARR, 0000
HAROLD A. TAYLOR JR., 0000
JOHN W. TAYLOR JR., 0000
JOSEPH A. TAYLOR JR., 0000
KAREN L. TAYLOR, 0000
MICHAEL T. TAYLOR, 0000
SYLVIA C. TAYLOR, 0000
SCOTT G. TENNENT, 0000
MICHAEL K. TEPLEY JR., 0000
GARY M. TESTUT, 0000
JOHN R. THAYER, 0000
DAMON M. THEMELY, 0000
THEO THEODOR JR., 0000
BOB F. THOENS, 0000
DAVID E. THOLE, 0000
DWAYNE E. THOMAS, 0000
EDWARD W. THOMAS JR., 0000
TROY S. THOMAS, 0000
WILLIAM B. THOMAS, 0000
GREGORY F. THOMPSON, 0000
RANDALL L. THOMSEN, 0000
JEFFREY S. THORBURN, 0000
ROSEMARY L. THORNE, 0000
JENNIFER J. THORPELEWIS, 0000
KEVIN J. THRASH, 0000
RICHARD G. THUERMER, 0000
THOMAS J. TIMMERMAN, 0000
DANIEL W. TIPPETT, 0000
PAUL D. TOBIN, 0000
SCOTT D. TOBIN, 0000
MICHAEL A. TODD, 0000
LESA K. TOLER, 0000
KAREN L. TORRACA, 0000
ANMY D. TORRES, 0000
RAYMOND G. TOTH, 0000
GREGORY J. TOUSSAINT, 0000
WILLIAM R. TRACY, 0000
JEROME T. TRAUGHBER, 0000
VALERIE W. TREFTS, 0000
PETER J. TREMBLAY, 0000

LARRY J. TRENT, 0000
JOHN M. TRUMPFHELLER, 0000
LISA M. TUCKER, 0000
ZENA A. TUCKER, 0000
DONALD J. TUMA, 0000
GREGORY H. TUREAUD, 0000
DANIEL J. TURNER, 0000
RUSSELL J. TUTTY, 0000
LANELL B. TWIGGS, 0000
THOMAS W. TYSON, 0000
WILLIAM M. UHLMEYER, 0000
JOHN F. UKLEYA JR., 0000
SCOTT G. ULRICH, 0000
WILLIAM K. UPTMOR, 0000
GREGORY N. URTSO, 0000
DAVID E. UVODICH, 0000
JOHN M. VAIL, 0000
GREG A. VALDEZ, 0000
PAUL J. VALENZUELA, 0000
GREGG D. VANDERLEY, 0000
SAMUEL B. VANDIVER, 0000
DALE J. VANDUSEN, 0000
JOHN C. VANHOVE, 0000
BRUCE J. VANREMORTEL, 0000
DAVID A. VANVELDHUIZEN, 0000
TRACY L. VANZUIDEN, 0000
MATTHEW L. VENZKE, 0000
RUBEN VILLA, 0000
KURT A. VOGEL, 0000
JEANETTE M. VOIGT, 0000
KYLE D. VOIGT, 0000
FRED N. * WACKYM III, 0000
MARK I. WADE, 0000
JAMES D. WAGNER, 0000
RAYMOND J. WAGNER, 0000
ALLAN P. WAITE JR., 0000
CURTIS D. WALKER, 0000
DAVID W. WALKER, 0000
WILLIAM N. WALKER, 0000
STEPHEN B. WALLER, 0000
PAUL B. WALSKI, 0000
ANTHONY W. WANN, 0000
DEAN A. WARD, 0000
JAMES R. * WARD, 0000
HERBERT N. WARDEN IV, 0000
JOHN A. WARDEN IV, 0000
CHRISTINE M. WASDIN, 0000
MICHAEL E. WASHINGTON, 0000
TRACEY L. WATKINS, 0000
PERNELL B. WATSON, 0000
KATHLEEN E. WEATHERSPOON, 0000
ROBERT F. WEAVER II, 0000
JONATHAN D. WEBB, 0000
GREGORY A. WEBER, 0000
ROBERT B. * WEHNER, 0000
TERI L. WEIDE, 0000
BRIAN D. WEIDMANN, 0000
LESTER A. WEILACHER, 0000
MONTE T. WEILAND, 0000
STUART N. WEINBERGER, 0000
PATRICK T. WELCH, 0000
PAUL A. WELCH, 0000
RORY D. WELCH, 0000
CHRISTOPHER M. WELLBORN, 0000
ROBERT G. WELLINGTON, 0000
DAVID L. WENIGER, 0000
JASON S. WERCHAN, 0000
DAWN D. WERNER, 0000
JOHN F. WERNER, 0000
STEVEN W. WESSBERG, 0000
CHARLES N. WEST, 0000
DANE P. WEST, 0000
RITCHIE L. WEST, 0000
FREDERICK H. WESTON, 0000
SEABORN J. WHATLEY III, 0000
PAUL A. WHEELESS, 0000
AUBREY D. WHITE, 0000
KENT B. WHITE, 0000
FRANK A. WHORTON, 0000
RICHARD T. WICKUM, 0000
KENNETH B. WIGGINS, 0000
STEVEN W. WIGGINS, 0000
HENRY T. WILKENS JR., 0000
BRIAN A. WILKEY, 0000
BRUCE W. WILLETT, 0000
ANTHONY B. WILLIAMS, 0000
FREDERICK D. WILLIAMS, 0000
JAMES B. WILLIAMS, 0000
LYNDON J. WILLIAMS, 0000
NEICKO C. WILLIAMS, 0000
ROBIN B. WILLIAMS, 0000
STEPHEN C. WILLIAMS, 0000
JOHNDAVID W. WILLIS, 0000
MATTHEW B. WILLIS, 0000
CHRISTOPHER S. WILSON, 0000
GLENN J. WINCHELL, 0000
MICHAEL F. WINTHROP, 0000
ERIC C. WINTON, 0000
BRIAN E. WITHROW, 0000
THOMAS J. WITTERHOLT, 0000
THOMAS E. WOLCOTT, 0000
JOSEPH L. WOLFER, 0000
JOHN C. WOMACK, 0000
DAVID M. WOOD, 0000
STEPHEN D. WOOD, 0000
TODD K. WOODRICK, 0000
THOMAS L. WOODS, 0000
JOHN G. WORLEY, 0000
TODD A. WORMS, 0000
CYNTHIA A. WRIGHT, 0000
KURTIS L. WRIGHT, 0000
PATRICK W. WRIGHT, 0000
JOHN D. WROTH, 0000
JAMES E. WURZER, 0000
FRANK D. YANNUZZI JR., 0000
BRIAN A. YATES, 0000
MONIQUE M. YATES, 0000
DAVID L. YOCKEY, 0000
JEFFREY S. YOCUM, 0000
PETER L. * YORK, 0000
JON E. YOST, 0000
ANTHONY C. YOUNG, 0000
GEORGETTE J. YOUNG, 0000
GREGORY J. YUEN, 0000
JAMES P. ZEMOTEL, 0000
STEPHEN T. ZIADIE, 0000
MICHAEL J. ZIGAN, 0000
MARK A. ZIMMERHANZEL, 0000
MICHAEL J. ZUBER, 0000

CONFIRMATIONS

Executive nominations fonfirmed by the Senate October 8, 2004:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID A. BRUBAKER
BRIG. GEN. ALAN L. COWLES
BRIG. GEN. ALLEN R. DEHNERT
BRIG. GEN. HARRY W. FEUCHT, JR.
BRIG. GEN. CHARLES A. MORGAN III
BRIG. GEN. MARK R. MUSICK
BRIG. GEN. FRANK PONTELANDOLFO, JR.
BRIG. GEN. ANNETTE L. SOBEL
BRIG. GEN. FRANK D. TUTOR
BRIG. GEN. JOHN M. WHITE

To be brigadier general

COLONEL MICHAEL G. BRANDT
COLONEL HUGH T. BROOMALL
COLONEL ROBERT B. BUEHLER
COLONEL WILLIAM S. BUSBY III
COLONEL CHARLES M. CAMPBELL
COLONEL JAMES J. D'AGOSTINO
COLONEL EUGENE J. DELGADO
COLONEL RICHARD G. ELLIOTT
COLONEL JOHN B. ELLINGTON, JR.
COLONEL STEVEN E. FOSTER
COLONEL DONALD D. HARVEL
COLONEL THOMAS J. HAYNES
COLONEL ALLISON A. HICKEY
COLONEL DAVID E. HOLMAN
COLONEL RICHARD D. KING
COLONEL JAMES M. LILLIS
COLONEL DENNIS W. MENEFEE
COLONEL PETER S. PAWLING
COLONEL RICHARD J. PROSEK
COLONEL DON E. REYNOLDS
COLONEL STEPHEN M. SISCHO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND T. ODIERNO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL RODNEY O. ANDERSON
COLONEL STEVEN M. ANDERSON
COLONEL JOHN M. BEDNAREK
COLONEL MARK A. BELLINI
COLONEL ROBERT M. BROWN
COLONEL JOHN F. CAMPBELL
COLONEL CHARLES T. CLEVELAND
COLONEL WALTER L. DAVIS
COLONEL JEFFREY J. DORKO
COLONEL MICHAEL FERRITER
COLONEL MARK A. GRAHAM
COLONEL DAVID D. HALVERSON
COLONEL JEFFREY C. HORNE
COLONEL JAMES L. HUGGINS, JR.
COLONEL RODNEY L. JOHNSON
COLONEL NICKOLAS G. JUSTICE
COLONEL BRIAN A. KELLER
COLONEL HARVEY T. LANDWERMEYER
COLONEL SUSAN S. LAWRENCE
COLONEL KEVIN A. LEONARD
COLONEL ANNE F. MACDONALD
COLONEL RICHARD R. MCPHEE
COLONEL JAMES M. MILANO
COLONEL THEODORE C. NICHOLAS
COLONEL PETER J. PALMER
COLONEL WILLIAM N. PHILLIPS
COLONEL BELINDA PINCKNEY
COLONEL ERNEST E. PORTER
COLONEL RICKEY L. RIFE
COLONEL MICHAEL J. TERRY
COLONEL CHRISTOPHER TUCKER
COLONEL MICHAEL S. TUCKER
COLONEL ANDREW B. TWOMEY
COLONEL MICHAEL J. WALSH
COLONEL ROBERT H. WOODS, JR.
COLONEL JAMES C. YARBROUGH

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. EDWARD T. REIDY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GREGORY A. TIMBERLAKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. EDWARD H. DEETS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ANDREW M. SINGER

AIR FORCE NOMINATIONS BEGINNING LAUREN F. * AASE AND ENDING SUSAN E. * YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.

ARMY NOMINATIONS BEGINNING JULIA A. ADAMS AND ENDING JANET L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2003.

ARMY NOMINATION OF GRAEME J. BOYETT.

NAVY NOMINATIONS BEGINNING BLAINE E MOWREY AND ENDING VICTORIA A YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2004.

NAVY NOMINATIONS BEGINNING JERRIS L BENNETT AND ENDING JESSE J ZIMBAUER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2004.